

Patrons of Husbandry, Lime Bridge, Pa., favoring passage of House bill 19133, providing for a governmental system of postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. MAHER: Petition of the Chamber of Commerce of the State of New York, against passage of bill to prohibit the use of Panama Canal by any steamship company in which any railroad has an interest; to the Committee on Interstate and Foreign Commerce.

By Mr. MOON of Tennessee: Papers to accompany bill to correct the military record of R. B. Hendrixson; to the Committee on Military Affairs.

By Mr. PARRAN: Papers to accompany bill for the relief of Ella J. Belt (H. R. 22699); to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of Samuel Henson (H. R. 22805); to the Committee on Claims.

By Mr. RAKER: Resolutions and letters of the board of supervisors of Siskiyou County, Cal.; the Sisson Promotion Association of Sisson; and E. H. Keupp and Otto L. Haese, of Sisson, Cal., to accompany House bill 22353, to establish the Mount Shasta National Park in Siskiyou County; to the Committee on the Public Lands.

Also, memorial of the Chamber of Commerce of New York, urging that the Panama Canal should be open to all tonnage irrespective of ownership; to the Committee on Interstate and Foreign Commerce.

By Mr. REILLY: Memorial of the New England Shoe and Leather Association, opposing the abolishment or transfer of the Bureau of Manufactures; to the Committee on Appropriations.

Also, petition of the Order of Railway Conductors, for enactment of House bill 20487; to the Committee on the Judiciary.

By Mr. ROUSE: Memorial of the Spanish War Veterans of Newport, Ky., for passage of bill to pension widows and minor children of Spanish War veterans; to the Committee on Pensions.

By Mr. SULZER: Petition of Urban A. Walter, of Denver, Colo., for legislation permitting direct petition of civil-service employees; to the Committee on Reform in the Civil Service.

Also, memorial of the Chamber of Commerce of the State of New York relative to operation of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the New Orleans (La.) Progressive Union for legislation to promote the efficiency of the foreign service of the United States; to the Committee on Foreign Affairs.

Also, memorial of the Madera County (Cal.) Chamber of Commerce relative to utilizing the flood waters of the San Joaquin River, Cal.; to the Committee on Interstate and Foreign Commerce.

By Mr. TAGGART: Petition of citizens of the State of Kansas for removal of the dam in the Kansas River at Lawrence, Kans.; to the Committee on Interstate and Foreign Commerce.

By Mr. TOWNER: Petition of J. W. Chitty and others, of Gravity, Iowa, against the passage of a parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. WEEKS: Petition of members of the Methodist Episcopal Church, of Millville, Mass., favoring House joint resolution 163; to the Committee on the Judiciary.

By Mr. WILSON of New York: Memorial of the Chamber of Commerce of the State of New York against passage of bill to prohibit use of Panama Canal by any steamship company in which any railroad has an interest; to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, April 18, 1912.

The Senate met at 12 o'clock m.
Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.
The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 16306) to provide for the use of the American National Red Cross in aid of the land and naval forces in time of actual and threatened war.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 244. An act extending the operation of the act of June 22, 1910, to coal lands in Alabama;

S. 5059. An act granting school lands to Louisiana;

H. R. 19638. An act to authorize the San Antonio, Rockport & Mexican Railway Co. to construct a bridge across the Morris and Cummings Channel;

H. R. 20117. An act to authorize the Nebraska-Iowa Interstate Bridge Co. to construct a bridge across the Missouri River near Bellevue, Nebr.; and

H. R. 21821. An act to authorize the city of South Sioux City, in the State of Nebraska, to construct a bridge across the Missouri River between the States of Nebraska and Iowa.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a telegram in the nature of a petition signed by the mayors of 26 cities of New York, praying for the enactment of legislation requiring every passenger vessel leaving a port of the United States to be equipped with lifeboats or rafts sufficient to accommodate every person on board, which was referred to the Committee on Commerce.

He also presented petitions of the congregations of the Orson Church of Pennsylvania; the Congregational Church of Charlton, Mass.; and the Government Street Methodist Episcopal Church South, of Mobile, Ala.; and of the Woman's Christian Temperance Union of Mansfield, Mass., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented petitions of Local Granges No. 284, of Georges Mills; No. 170, of Bedford; No. 218, of Woodsville; No. 212, of Haverhill; and No. 95, of New London, all of the Patrons of Husbandry, in the State of New Hampshire, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Local Grange No. 273, Patrons of Husbandry, of London, N. H., and a memorial of Lawrence Grange, No. 117, Patrons of Husbandry, of Belmont, N. H., remonstrating against the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Phil Sheridan Post, No. 6, Department of the Potomac, Grand Army of the Republic, of Washington, D. C., praying for the enactment of legislation to give preference in the civil service to those who have been honorably discharged from the military or naval service of the United States, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of Local Lodge No. 537, Brotherhood of Railroad Trainmen, of Concord, N. H., praying for the enactment of legislation to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes, which was ordered to lie on the table.

Mr. OLIVER presented a memorial signed by 4,231 citizens of Pennsylvania and a memorial of Pennsylvania Branch of the National League for Medical Freedom, representing 5,000 citizens of Pennsylvania, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

He also presented a petition of Charles Young Camp, No. 27, Department of Pennsylvania, United Spanish War Veterans, of Philadelphia, Pa., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented a petition of Washington Camp, No. 88, Patriotic Order Sons of America, of Renovo, Pa., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of Local Grange No. 875, Patrons of Husbandry, of Columbus, Pa., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of the Pawtucket and Blackstone Valley Building and Trades Council, of Rhode Island, praying for the enactment of legislation to provide an exclusive remedy and compensation for accidental injuries resulting in disability or death to employees of common carriers by railroads engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes, which was ordered to lie on the table.

He also presented a petition of members of the Rhode Island Society for the Prevention of Cruelty to Animals, praying for the enactment of legislation to regulate the interstate transportation of immature calves, which was referred to the Committee on Interstate Commerce.

Mr. CULLOM presented a petition of Local Lodge No. 4, Brotherhood of Railroad Trainmen, of Chicago, Ill., praying for the passage of the so-called employers' liability and workmen's compensation bill, which was ordered to lie on the table.

He also presented a petition of the Retail Grocers' Association, of Springfield, Ill., remonstrating against the establishment of a parcel-post system, and praying for the repeal of the oleo-margarine law, which was referred to the Committee on Post Offices and Post Roads.

Mr. PENROSE presented petitions of Washington Camps, No. 591, of Clearfield; No. 333, of Scranton; and No. 718, of Garmans Mills, all of the Patriotic Order Sons of America, in the State of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

Mr. PERKINS presented a memorial of members of Group Z. P. Z., Polish National Alliance of the United States, of San Diego, Cal., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented telegrams in the nature of memorials from the Northern California Branch, National League for Medical Freedom; of the faculty and students of the California Eclectic Medical College, of Los Angeles; of the Southern California Branch, National League for Medical Freedom; and of the Sacramento Branch of the National League for Medical Freedom, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

Mr. SMITH of Maryland presented memorials of sundry citizens of Baltimore, Md., remonstrating against the establishment of a national department of public health, which were ordered to lie on the table.

Mr. POINDEXTER presented telegrams in the nature of memorials of G. G. Ripley, of Spokane; the Washington Branch, National League for Medical Freedom; G. E. Anderson, J. D. Cray, J. W. Clark, E. C. Miller, S. M. Anderson, W. O. McCaw, Cadill T. Smith, A. W. Barkley, and H. N. Anderson, of Aberdeen; of W. L. Sax, of Colville; of Lewis K. Phillips and D. L. Phillips, of Anacortes; of Evangeline Fox, of Seattle; of Gilbert Hunt, of Walla Walla; of C. F. Clough, of Spokane; and of G. A. Haggerty, of Raymond, all in the State of Washington, remonstrating against the establishment of a national department of health, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. JONES, from the Committee on Public Lands, to which was referred the bill (S. 4580) to permit second homestead entries in certain cases, reported it with amendments and submitted a report (No. 633) thereon.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to which was referred the bill (H. R. 8784) to supplement the act of June 22, 1910, entitled "An act to provide for agricultural entries on coal lands," reported it without amendment and submitted a report (No. 634) thereon.

Mr. McCUMBER, from the Committee on Indian Affairs, to which was referred the bill (S. 5776) authorizing the Secretary of the Interior to adjust and settle the claims of the attorney of record involving certain Indian allotments, and for other purposes, reported it without amendment and submitted a report (No. 635) thereon.

SENATOR FROM ILLINOIS.

Mr. CRAWFORD. Mr. President, I should like to ask some member of the Committee on Privileges and Elections whether there is any prospect in the near future of having a report submitted to the Senate in the Lorimer case. The time is going rapidly; it is an important matter, with a vast volume of testimony, and I will ask the chairman if there is any definite information which can be given to the Senate as to when we may expect a report.

Mr. DILLINGHAM. I am unable to state precisely when the report will be presented. I devoted a vast amount of work to the condensation of the evidence in an effort to bring it together in the form of a report. I made a rough draft, but have not been able to submit it to the other members of the committee, owing to the fact that most of them, at one time or another, had been called from the city on public business, two of them going to the funeral in Tennessee and others being absent for other purposes. I have worked for a long time, 16 hours a day for the last two months, and the report will be presented just as soon as it can possibly be put in shape and agreed upon by the committee. We are making as much progress as we can. I tell the Senator that there is no desire on the part of the committee to delay the matter.

Mr. CRAWFORD. The Senator understands that I do not mean to impute that.

Mr. DILLINGHAM. I know the Senator is not imputing that. As I said, I have worked as much as 16 hours a day for the last two months. I have done the best I could, and I am doing the best I can. I want to make a report.

Mr. CRAWFORD. The Senator is not able to state when the report will be made?

Mr. DILLINGHAM. I am not able to say when the report can be made.

Mr. HEYBURN. I do not understand that the Committee on Privileges and Elections have charge of it, but it is a special committee of that committee, and it should be so stated in the RECORD.

MEAT-INSPECTION SERVICE.

Mr. WARREN. Mr. President, under date of the 12th instant the President sent a special message to Congress asking for a million dollars to be appropriated to enable the Department of Agriculture to inspect microscopically the flesh of hogs converted into meat-food products. The message was referred to the Committee on Appropriations. I think it should go to the Committee on Agriculture and Forestry, which at the present time is considering the general agricultural appropriation bill. I therefore ask that the Committee on Appropriations be discharged from the further consideration of the message and that it be referred to the Committee on Agriculture and Forestry.

The VICE PRESIDENT. Without objection, it is so ordered.

ENLARGED HOMESTEAD.

Mr. SMOOT. I am directed by the Committee on Public Lands, to which was referred the bill (S. 5428) to amend an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, to report it with amendments, and I submit a report (No. 631) thereon.

Mr. GRONNA. I should like to ask unanimous consent for the immediate consideration of the bill reported by the Senator from Utah.

The VICE PRESIDENT. The Secretary will read the bill.

Mr. HEYBURN. It is being read only for information?

The VICE PRESIDENT. It is being read for information.

The Secretary read the bill.

Mr. HEYBURN. Are there amendments?

The VICE PRESIDENT. There are several amendments.

Mr. HEYBURN. I ask that they may be read.

The VICE PRESIDENT. The Secretary will report the proposed amendments.

The SECRETARY. On page 1, line 3, after the word "That," insert the words "section 1 of."

Mr. HEYBURN. I was only asking that it be read for information. I do not want any action.

The VICE PRESIDENT. Certainly; the Chair so understands. The remaining amendment will be read.

The SECRETARY. On pages 2, 3, and 4 strike out sections 2, 3, 4, 5, and 6 of the bill.

Mr. SMOOT. Mr. President, I will state in a few words the purpose of the bill.

The act of February 19, 1909, known as the enlarged-homestead act, includes certain States. At the time the act was passed by Congress North Dakota was not included in the States over which the bill would take effect. At that time there were a good many lands in North Dakota which were very valuable. Since then the valuable lands have been taken up.

The Senator from North Dakota [Mr. GRONNA] introduced a bill simply providing for an amendment to the act including the State of North Dakota. That is all the bill does. It includes North Dakota in the enlarged-homestead act. The report fully shows what the bill does. That is the object of it.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HEYBURN. I will say what I have to say after it is taken up.

There being no objection, the bill was considered as in Committee of the Whole.

The VICE PRESIDENT. The first amendment reported by the committee will be stated.

The SECRETARY. On page 1, line 3, after the word "That," insert the words "section 1 of."

The amendment was agreed to.

The SECRETARY. On page 2, after line 8, strike out the remainder of the bill.

The VICE PRESIDENT. Without objection, the amendment is agreed to. If there are no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

Mr. HEYBURN. Mr. President, the bill having just been reported, of course one can not conveniently know the effect of striking out certain portions of it. No one can carry in his mind a bill that has been read of which we have no copies available. I shall, in a word, suggest my objection to this class legisla-

tion. The bill should have gone upon the calendar, and it should have been open to consideration as other bills are. There is no sleep being lost by anyone over the enactment of this legislation.

I, unfortunately, on a former occasion was unable to be present when the principle involved in this measure was passed upon by the Senate. Of course unanimous consent has been given to the consideration of the bill, and I do not desire to do more than to express in a few words my objection to the principle.

Mr. GRONNA. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from North Dakota?

Mr. SMOOT rose.

Mr. HEYBURN. Has the Senator from Utah anything that he would like to ask?

Mr. SMOOT. I will simply say that I reported the bill and, of course, it would have gone to the calendar, but the Senator from North Dakota asked unanimous consent for its immediate consideration. It affects only North Dakota. The bill as introduced repeated the whole act of February 19, 1909, and the committee struck out all of the sections but section 1, and it now includes North Dakota among the other States.

Mr. HEYBURN. That is, you strike out the existing law?

Mr. SMOOT. That is all.

Mr. HEYBURN. I will raise no objection to the measure, as the Senator from North Dakota desires to have it applied only to his State, but I will take this occasion to express in a few words my objection to this kind of legislation.

We are complaining one day—and I say "we"; I mean those who undertake to speak for the people of the United States generally, those in official position—that we have not sufficient land for those who desire to settle upon it and the next day we are complaining that we have too much, and we are undertaking to enlarge the areas of land open to settlement. This bill will diminish the public lands open to settlement more than one-half. In other words, if we had land enough for a million people under the law as it existed we would have instead land enough for half a million people. I merely desire to call attention to it because I would not like anyone to think in the future that this question received no consideration in the Senate of the United States.

There is a certain ambition on the part of men in or out of this body to secure, or seem to secure, some special concession for their States. The State of Idaho was left out of the provisions of the bill, I think with the concurrence of both Senators from that State, because we did not think we had too much land. We thought we would rather have two settlers on a tract of land than one. Acting upon that we were not included within the provisions of this bill.

Mr. BORAH. Which bill?

Mr. HEYBURN. This bill. Idaho is not included in the provisions of the bill.

Mr. BORAH. Idaho is included in the enlarged-homestead act.

Mr. HEYBURN. No; not to the extent proposed by this amendment. If the Secretary will read the list of States involved he will find that Idaho is not included.

Mr. BORAH. Of course, there can be no question about it, because thousands of acres have been taken up under the enlarged-homestead law in Idaho.

Mr. HEYBURN. I understand that proposition perfectly, but that is not in this measure.

Mr. BORAH. I do not know what is in this measure, but I know that we are within the operation of the enlarged homestead law.

Mr. HEYBURN. Yes; against my protest, but I was unfortunately absent—that is, from my standpoint I was unfortunately absent—when certain steps were taken. This is just creeping forward a little more every time it comes up until by and by a man will have 640 acres subject to the will of some clerk of a department. It is a high-sounding phrase to say with the approval of the Secretary of Agriculture or the Secretary of the Interior. It looks as though we were going to have some tribunal especially selected because of its fitness to pass upon it. They seldom know that such an application is made.

I had occasion yesterday to run up against a practical test of that. A certain application had been made to one of the Secretaries of the President. I supposed that it had reached him some weeks ago. I had acted on the assumption that it had reached him. I had called up the office by telephone, and supposed I was talking to the responsible head. Yesterday I ran it down, and I found the clerk who received it had simply occupied the relation of the Secretary, and it had never come to the Secretary's notice at all. That was only yesterday.

I am beginning to be somewhat alert in regard to these matters. We say subject to the consent of the Secretary of War or the Secretary of the Interior, subject to such rules and regulations as may be made by this Secretary or that. The regulations and the rules are made by clerks in the department, and an endeavor is made, and I charge it on the fact, to prevent the party making the application from knowing that it was never brought to the notice of the Secretary.

I have just taken this occasion to express these few words in order that the inquiring minds of Senators may be alert to the situation.

Mr. GRONNA. Mr. President, I wish to say in reply to the Senator from Idaho [Mr. HEYBURN] that when the enlarged-homestead bill passed the Senate North Dakota was included. I was then a Member of the House and a member of the Public Lands Committee. It was at my request that North Dakota was excluded from the law at that time.

As the Senator from Utah has stated, there was much valuable land in the State of North Dakota. Now all that land has been taken up, and there is only rough land left that is worth a great deal less, and where people must have at least half a section to make a farm. So at this time we ask that the settlers be given 320 acres.

The bill does not change the law; it simply gives to North Dakota the same right that has been extended to other States—allowing the settlers to take 320 acres.

It is true that it does not include the Senator's State. But there has been given to that State, under a special law—

Mr. HEYBURN. Mr. President—

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. GRONNA. Yes.

Mr. HEYBURN. I have already made it plain that I am not objecting to the extension of the law to the State of North Dakota. I was only taking occasion to express a few remarks applicable to the whole bad system.

Mr. GRONNA. I am very glad to know that the Senator is not objecting to the bill.

Mr. McCUMBER. Mr. President, when the enlarged-homestead act was passed—I think in 1909—it included my State in the first instance, both in the bill in the House and I think also in the Senate. I did not wish the name of North Dakota to go in the list of States included in that act. The reason for that was apparent. We were then taking up lands right along and granting 160 acres to each settler. The lands which were to be taken up were of the same character as those that had already been taken up, and there was no line of demarcation whatever between homesteads that would be only 160 acres and those that would be 320 acres. That was the reason for not including it at that time.

I agree with my colleague that if we have practically disposed of all the lands of that character that could be taken, and properly taken, as homesteads in North Dakota, and have only those left which we generally denominate the bad lands, we might as well apply this provision to the bad lands.

Mr. SMOOT. Mr. President—

Mr. McCUMBER. But I know of no line, and I do not know where the law is going to place it. I do not know whether we have taken up all of the other lands or not. There should be some report to indicate that the land now to be taken up is of that character and that 320 acres of this land are as necessary as 160 acres of the other land.

Mr. GRONNA. Mr. President—

Mr. McCUMBER. I yield to my colleague, because undoubtedly he has the information and can explain the matter. Possibly it is in the report accompanying the bill, but I have not read the report.

Mr. GRONNA. Mr. President, I wish to say that I have looked into this matter quite thoroughly. The most valuable lands in our State have been taken, and the lands now remaining are rough.

Mr. McCUMBER. Let me ask my colleague, Is he certain that the man who is taking up his homestead of 160 acres to-day will be satisfied when to-morrow another man takes up 320 acres of land that looks at least to be similar? In order to do justice, will we not have to pass another law to allow the man who took up his 160 acres to take up an additional 160 acres, so that he may be in comparatively the same position?

Mr. GRONNA. No, Mr. President, the 160 acres formerly taken is worth more than 320 acres that can be had under this proposed act.

Mr. McCUMBER. That, of course, depends on what extent the word "formerly" is applied. I assume the 160 acres of land that was taken up yesterday differs materially from that

which will be taken to-morrow under a filing of 160 acres. Of course some of the land which was taken 10 years ago is worth from \$40 to \$50 an acre, and some of that which was taken 25 years ago is now worth \$75 an acre.

Mr. SMOOT. Mr. President—

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. McCUMBER. I do.

Mr. SMOOT. I wish simply to explain to the Senator that no land in North Dakota can be taken up under the enlarged-homestead law unless it has been designated by the Secretary of the Interior, so that all of the balance of the lands in North Dakota—

Mr. McCUMBER. That is the information that I wanted to get—whether that is clearly protected, so that all will be treated alike.

Mr. SMOOT. Certainly; and no entryman in North Dakota, after the bill passes, can take more than 160 acres until the Secretary of the Interior makes an investigation and designates that land, so that it can be taken up under the enlarged-homestead law; or, in other words, if the conditions are such in the judgment of the Secretary of the Interior that the land can not be cultivated as the land formerly taken has been cultivated, then he designates how it can be taken up under the enlarged-homestead act.

Mr. McCUMBER. I can see, Mr. President, a good reason, taking the Bad Lands as I know them, why in many instances double the acreage might be allowed, because in taking double the acreage the claimant would not receive a greater amount of land that he could cultivate and use than under the old law. I agree with the Senator entirely, if the bill is so restricted and so guarded that one man will not get 160 acres of a given character of land for a homestead and his neighbor get 320 acres.

Mr. GRONNA. Mr. President, there is such a provision, and it is in the original law. This bill does not change the original law; it simply applies the law to North Dakota the same as it has been applied to other States.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend section 1 of an act entitled 'An act to provide for an enlarged homestead,' approved February 19, 1909."

MINNESOTA & MANITOBA RAILROAD CO.

Mr. JONES. I am directed by the Committee on Public Lands, to which was referred the bill (S. 5548) authorizing the Secretary of the Interior to convey a certain tract of land to the Minnesota & Manitoba Railway Co., to report it with amendments, and I submit a report (No. 632) thereon.

Mr. CLAPP. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The Senator from Minnesota asks unanimous consent for the present consideration of the bill just reported, which the Secretary will read for the information of the Senate.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Public Lands with amendments. The first amendment was, in section 1, line 5, before the word "Company," to strike out "Railway" and insert "Railroad"; in line 10, after the word "station," to insert "and grounds"; in line 11, before the word "hundred" where it occurs the second time, to strike out "five" and insert "fifteen"; and at the end of line 13, after the word "Interior," to strike out the period and insert a comma and the following words "the price to be paid by said railroad company to be not less than the sum that may have been heretofore agreed upon between the entryman and said railroad company," so as to make the section read:

That the Secretary of the Interior is hereby authorized, upon such terms as he may deem advisable, to convey to the Minnesota & Manitoba Railroad Co., a corporation created and existing under the laws of the State of Minnesota, a tract of land adjacent to the right of way of said railroad, in the southwest quarter of section 35, township 161, range 32 west of the fifth meridian, as a site for a station and grounds; said tract to be not more than 200 feet wide and 1,500 feet long, the location and size of said tract to be determined by the Secretary of the Interior, the price to be paid by said railroad company to be not less than the sum that may have been heretofore agreed upon between the entryman and said railroad company.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 6, after the word "proved," to insert "and in determining the right of

the entryman to his homestead the fact that he may have made a contract to sell a portion of the same to said company as a site for a station and grounds shall not be construed against his right to the lands covered by his entry, as such tract appears to be the only available site for a railway station, which said railroad company has been directed to establish by the State Railroad and Warehouse Commission of Minnesota," so as to make the section read:

SEC. 2. That the Secretary of the Interior shall set aside the sum received for said tract of land and hold the same to be paid to Herbert Sanborn, provided his homestead application for said southwest quarter of section 35, township 161, range 32, is proved, and in determining the right of the entryman to his homestead the fact that he may have made a contract to sell a portion of the same to said company as a site for a station and ground shall not be construed against his right to the lands covered by his entry, as such tract appears to be the only available site for a railway station, which said railroad company has been directed to establish by the State Railroad and Warehouse Commission of Minnesota. Should said homestead application be finally disallowed, then said sum shall be paid by the Secretary of the Interior to the Secretary of the Treasury.

The amendment was agreed to.

Mr. HEYBURN. Mr. President, I ask the Senator in charge of the bill whether that last provision, which protects the homesteader or the man holding an inchoate title against the charge that he is not entitled to a patent because he has alienated a part of his land, goes further than on this right of way?

Mr. CLAPP. Just on this right of way, and it is because of the fact that inadvertently he made this agreement that his homestead entry has been held up.

Mr. HEYBURN. That is all I wish to know.

Mr. CLAPP. I think it is very just that that should not be counted against him.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title of the bill was amended so as to read, "A bill authorizing the Secretary of the Interior to convey a certain tract of land to the Minnesota & Manitoba Railroad Co."

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SUTHERLAND:

A bill (S. 6407) granting an increase of pension to Edwin J. Trowbridge (with accompanying paper); to the Committee on Pensions.

By Mr. ROOT:

A bill (S. 6408) for the relief of Margaret McQuade (with accompanying paper); to the Committee on Claims.

By Mr. GRONNA:

A bill (S. 6409) granting a pension to John Mooney (with accompanying papers); to the Committee on Pensions.

By Mr. DAVIS:

A bill (S. 6410) granting an increase of pension to George W. Robinson; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 6411) for the relief of certain Shawnee and Delaware Indians; to the Committee on Claims.

By Mr. DU PONT:

A joint resolution (S. J. Res. 99) authorizing the President to reassemble the court-martial which, on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattall D. Simpkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them; to the Committee on Military Affairs.

AMENDMENT TO IMMIGRATION BILL.

Mr. GORE submitted an amendment requiring immigrants coming into the United States from any foreign country to embark upon vessels of American registry, etc., intended to be proposed by him to the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States, which was ordered to lie on the table and be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES submitted an amendment proposing to appropriate \$50,000 for the establishment on the coast of the Pacific States a station for the investigation of problems connected with the marine fishery interests of that region, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Fisheries and ordered to be printed.

Mr. BRIGGS submitted an amendment relative to a survey of Newark Bay and Passaic River, N. J., etc., intended to be proposed by him to the river and harbor appropriation bill

(H. R. 21477), which was referred to the Committee on Commerce and ordered to be printed.

Mr. CURTIS submitted an amendment proposing to appropriate \$29,000 for improving the Kansas River up to Argentine, Kans., etc., intended to be proposed by him to the river and harbor appropriation bill (H. R. 21477), which was referred to the Committee on Commerce and ordered to be printed.

MESSANGER TO COMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT.

Mr. CATRON submitted the following resolution (S. Res. 286), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant at Arms of the Senate be, and he is hereby, authorized to employ a messenger at the rate of \$1,440 per annum for the Committee on Expenditures in the Interior Department, to be paid from the contingent fund of the Senate until otherwise provided for by law.

SPRING ROAD NW., IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I move that the House of Representatives be requested to return to the Senate the bill (S. 5333) to authorize the widening and extension of Spring Road NW., and for other purposes, and I will make a motion to reconsider the vote by which the bill was ordered to be engrossed for a third reading, read the third time, and passed, when it shall have been returned to the Senate. I want to say that in my absence the bill was passed on Tuesday last, and the committee had arranged for a hearing on the bill. It is for that reason I ask for its return.

The VICE PRESIDENT. Without objection, the motion to request the House of Representatives to return the bill is agreed to. The Senator from New Hampshire enters a motion to reconsider the votes by which the bill was ordered to a third reading and passed.

REGULATION OF IMMIGRATION.

Mr. BRANDEGEE. I present a statement from the Cunard Steamship Co. calling attention to certain administrative features of the pending immigration bill. I move that the statement be referred to the Committee on Immigration.

The motion was agreed to.

PANAMA CANAL TRAFFIC AND TOLLS (S. DOC. NO. 575).

Mr. BRANDEGEE. I ask that the paper which I send to the desk be printed as a public document, and that 5,000 extra copies thereof may be printed. The document consists of four chapters of the report of the special commissioner appointed by the President to investigate the subject of tolls for vessels passing through the Panama Canal. It is of great interest to the public generally, and there will be a great demand for it. There is one other chapter which I will add later and which has not yet come up from the office.

Mr. SMOOT. Did the Senator request that 5,000 additional copies be printed?

Mr. BRANDEGEE. Yes.

Mr. SMOOT. For the use of the Senate or for the use of the committee?

Mr. BRANDEGEE. Well, I do not care which. I would just as lief have it printed for the use of the entire Senate. I am sure that as soon as it is known that the document is published every commercial body and every railroad and steamship line in the country will desire copies of it. I am perfectly willing to have it go to the document room and be equally divided between all Senators.

Mr. SMOOT. I think it would be better to have it go to the document room for the use of the Senate.

The VICE PRESIDENT. In the absence of objection the document will be printed as requested, and 5,000 additional copies will be printed for the use of the Senate document room. The order as agreed to was reduced to writing, as follows:

Ordered, That there be printed for the use of the Senate 5,000 additional copies of the preliminary statement of Emory R. Johnson on Panama Canal Traffic and Tolls, with illustrations.

OWNERSHIP OF STEAMSHIPS PASSING THROUGH PANAMA CANAL.

Mr. BRANDEGEE. I present a set of resolutions adopted by the directors of the port of Boston in relation to the question of the ownership by railroads of steamships passing through the Panama Canal. I ask that the resolutions be printed in the Record and referred to the Committee on Inter-oceanic Canals.

There being no objection, the resolutions were referred to the Committee on Inter-oceanic Canals and ordered to be printed in the Record, as follows:

At a meeting of the directors of the port of Boston, April 11, 1912, the following statement was adopted as the opinion of the directors of the port of Boston concerning a proposed amendment to section 5 of the Interstate-commerce act, contained in section 11 of the Panama Canal bill No. 21969, and it was voted that a copy of this vote be sent to each member of the Massachusetts delegation in Congress.

The Panama Canal bill reported to the House of Representatives, Congress of the United States, as house bill No. 21969, contains in section 11 an amendment to section 5 of the interstate-commerce act, as follows:

"From and after the 1st day of July, 1913, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce, to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or in any other manner) in any common carrier by water with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense."

This is followed by a provision in substance that any railway controlling a water carrier engaged in foreign trade and having through rates and facilities with it, shall, upon request, provide like port facilities, connections, and joint through rates for and in connection with any water carrier engaged in the lake, river, or coastwise trade of the United States, including trade through the Panama Canal.

The enactment of such legislation would be detrimental to the port of Boston and to the transportation of both passengers and commodities of the Commonwealth. It is certainly unwise as an incident to the regulation of traffic through the Panama Canal to enact a drastic change affecting transportation facilities and methods whose development in New England covers nearly a century where the connection of steamship lines and their control by railroads is as old as the construction of the railroads themselves. This bill commands the disruption of serviceable and efficiently operated transportation systems involving, if the compliance of law is to be more than in form, the sale of valuable properties, probably in many cases at a loss, many of which can not be operated independently with the same degree of efficiency as at the present time.

Such legislation threatens to place American railway interests under a severe handicap in competition with Canadian railways. It has been the distinct policy of the Canadian Government to encourage and assist its railways in the development of steamship facilities. A provision having this in view is incorporated in the contract of July 29, 1903, between the Dominion Government and the Grand Trunk Pacific Railway Co.

At the hearings before the Committee on Interstate and Foreign Commerce it was testified that "the entire transportation of Canada with England and Japan is in the hands of the Canadian Pacific Railroad. They are one of the largest ship-owning companies on the continent of North America, and they are closely followed by the Grand Trunk."

Considering the vast extent of the financial assistance given by the Canadian Government to its railroads and the distinct tendency of its policy regarding steamship connections up to this time, there is no indication that the early future will see any change of policy in this regard. The result of the proposed restriction of American railways therefore may be a severe discrimination against them.

It is not suggested that our Government should in any way change its policy in the direction of restricting our railroads in the ownership or control of vessels engaged in the foreign carrying trade, whether through the Panama Canal or not. That such ownership or control, especially on the Pacific Ocean, has been much to the benefit of our foreign commerce is not denied.

It is obvious that in many cases the enterprise of a railway company in establishing foreign steamship lines might depend, to a great extent, upon its opportunities for operating domestic steamship lines in connection with them. The use of common wharf facilities, the stopping at domestic ports of foreign-bound vessels, and other factors might have an important bearing; yet it is proposed in this legislation to deny to our railroad companies the privilege of operating such lines—a restriction which may operate, as indicated, in very undesirable ways as respects our foreign commerce.

The argument which has apparently brought about this amendment to the interstate-commerce law is the fear that railroad owned or operated vessels will be in a position to control coast traffic through the Panama Canal. These arguments allege that railway companies would be in a position to, by drastic reductions in rates, drive independent competitive lines out of business, and also wherever railroad companies own or control steamship lines it is the tendency for rates on such lines to be finally adjusted at a level above the normal for water carriage.

It is believed that this danger is not a serious one and, moreover, it could be entirely obviated by giving certain discretionary powers to the canal administration.

Hon. Henry L. Stimson, Secretary of War, said in his testimony before the committee, "My own opinion is that to simply prohibit lines which were partly owned or controlled by railroad lines from using the canal or to discriminate against them would be an ineffective remedy. I do not believe in it myself. I have seen it tried in the case of competing railroads, and our experience has been that it has never worked. I am pleased to say that the President, who last year (1911) recommended that, on further reflection has changed his view and does not think now that it would be the most effective way of treating the problem. Col. Goethals has expressed himself to the effect that this legislation is not necessary, and that any difficulties can be met when they arise."

In imposing the restriction in question upon railroads in respect to "any common carrier by water with which said railroad * * * does or may compete for traffic," the proposed law is vague and indefinite. It does not state what circumstances constitute competition. It makes no distinction between a case such as that of the Long Island Sound lines, operating between the same points as the controlling railroad, and steamship lines which might possibly be considered competitive in a sense, because forming a small connecting link in a long through route of which the controlling railroad is also a part. The result of this vagueness might be to forbid the establishment of a steamship line which in the promotion of foreign or domestic trade would be of great public benefit. The proposed new steamship line of the Grand Trunk from Providence to New York is a case in point.

In attempting to discourage monopoly of domestic traffic by placing this restriction upon the railroads, the law could easily have the effect of fostering and promoting steamship monopoly, since it would be forbidden for a railroad to establish a steamship line in competition with existing independent lines; also a steamship line in competition with and might promote industrial monopoly through the control by large corporations of steamship lines.

The Standard Oil Co. operates a large fleet of American and foreign vessels. The Steel Corporation has a large fleet on the Great Lakes. The proposed legislation wholly overlooks many important public advantages resulting from the control and operation of coastwise steam-

ship lines by strong railroad companies. As was, by implication, admitted by Mr. Wheeler, such lines provide in many cases excellent passenger facilities and in convenient connection with trains, the two services perhaps actually connecting on the wharf. They facilitate railway operations by taking, to a considerable extent, the heavy freight. In some cases there are peculiar advantages. For example, the New England Navigation Co., controlled by the New York, New Haven & Hartford, can deliver freight directly to the lower part of New York City, while the railway lines must leave their freight at points far up town.

The competition between railroads and their controlled steamship lines is not necessarily or without qualification mock, as stated in the majority report of the committee. While the relations are necessarily close and friendly, the rates and service on the steamship line are governed by actual or potential competition of other steamship lines, involving, of necessity, some actual competition between rail and boat.

The policy embodied in this legislation must have a strong tendency to stultify enterprise, to stand in the way of large and important undertakings having the backing of strong financial interests. That it is not good policy to hamper enterprise in this manner is evidenced by the aggressive opposite policy of the Canadian Government above referred to and by the passive approval by our own Government of the enterprise of railways in the foreign carrying trade.

It has been suggested that, instead of an outright prohibition such as proposed, there be some discrimination against steamship lines in domestic trade controlled by railroads by way of tolls not exacted from independent steamships or higher tolls. This policy is open to most of the same objections, and it may be noted that our Government passes all vessels through the Sault Ste. Marie Canal without toll, though many of these vessels on the Great Lakes are controlled by railroads, while many others are controlled by industrial corporations.

In this case we follow the policy of the Canadian Government at the same point, canal facilities being also freely interchanged between the two countries.

It has been urged that the restriction proposed might foster steamship monopoly by forbidding the establishment of competitive lines by railroads. It is also true that this policy might foster monopoly by certain railroad systems by preventing the establishment by one railroad of steamship lines to enable it to compete with another railroad or to make more advantageous through rates. The terms of the act do not appear to be intended as applying to steamship lines which are extensions of railway systems rather than duplications of existing service; but in view of the indefinite terms of the act it is a grave question whether the restriction would not sometimes have the effect suggested. Supposing, for example, that the Pennsylvania Railroad proposed to establish a line of steamships from New York to Boston, but would do so only if able to make stops at certain Long Island points. Inasmuch as this company controls the Long Island Railroad, such stops on Long Island might be held illegal, and thus Boston might fall to receive the benefit of an additional steamship line. On the other hand, the Pennsylvania Railroad might legally operate the Sound lines, whereas it would be more to our advantage to have them operated by a railroad subject to some local control.

The difficulty of enforcing to the full any prohibition of ownership or control such as proposed is well known. In view of this, the restriction might operate as a severe discrimination, some railway systems being in a position to conceal their ownership or control while others could not do so.

Railroads, in some instances, may operate connecting steamship lines without profit or at a loss, owing to their value as "feeders" or through connections. It can not be expected that such lines could be operated by independent capital. It is claimed, for example, that the Merchants & Miners Transportation Co., controlled by the New York, New Haven & Hartford, is not in itself profitable. This line is of great value to Boston in many ways; among others, in protecting the New England differential basis in traffic with the West. It also provides valuable passenger facilities.

The proposed legislation would also involve danger of public injury in regard to through rates. The interstate-commerce law does not compel a railroad to join in the making of a through rate unless the route to which such a rate applies embraces substantially the whole length of the rail lines of the company. A railroad, however, should be willing to join in through rates on a route embracing part of its rail lines, together with steamship lines which it controls, especially if such route were to be in competition with some other through route. As an example, the instances might be cited of the differential through rate made by the New York, New Haven & Hartford Railroad on westbound traffic from New York in connection with its Sound steamship lines. Prohibition of the control of these lines by the New York, New Haven & Hartford might deprive the public of the benefit of such differential.

Having already severely restricted the railroads in reduction of rates to meet water competition, it is now proposed that Congress by this legislation shall forbid the railroads to protect themselves even by owning or controlling water carriers. This seems a hardship in any fair consideration of the case.

It is to be remembered that even in the restricted way in which Congress does permit the lowering of railway rates to meet water competition the fact is recognized that such competition may be a most serious menace to such railroads and their security holders, not to speak of the public, which depends upon their efficient service.

It is also to be remembered that for a railroad to stand in the way of independent water competition is not an easy matter. The use of water routes can not be limited, and only in the case, which should be guarded against, of a railroad having complete monopoly of dock facilities can it become very difficult for independent lines to be established.

It may be freely conceded that all actions of a railroad tending to deny to independent companies proper and fair facilities for their service and equal treatment in switching charges and similar matters should be vigorously opposed by the proper public authorities.

SUMMARY.

The directors of the port of Boston regard section 11 of the Panama Canal bill (H. R. 21969), which forbids railroads from being interested in water lines, wherever located, which compete or may compete, as detrimental to the port of Boston and the State of Massachusetts.

The bill would disrupt valuable transportation routes of many years standing, such as the Long Island Sound lines, which have no reference to the Panama Canal.

It would place American railways under a severe handicap compared with Canadian railways, which are encouraged to go into the steamship business.

The danger feared—the detrimental control by railroads of coast traffic through the Panama Canal—can be avoided in other ways, as,

for instance, giving the canal administration certain discretionary powers.

It would tend to restrict the development of steamship lines as parts of competitive routes.

It might promote rather than prevent monopoly of steamship service.

It overlooks the important public advantage resulting from control of coastwise lines by strong railroad companies in protecting rates through offering differential routes.

Water transportation can be monopolized only if dock facilities are monopolized, which is the essential thing to be guarded against.

RULES OF DEBATE.

The VICE PRESIDENT. The Chair begs the attention of the Senate for one moment to call to their attention the concluding clause of section 2 of Rule VII, which reads:

It shall be not in order to interrupt a Senator having the floor for the purpose of introducing any memorial, petition, report of a committee, resolution, or bill. It shall be the duty of the Chair to enforce this rule without any point of order hereunder being made by a Senator.

The Chair recognizes the fact that quite often it does not seem gracious on the part of the Chair to enforce that rule, and it would relieve the Chair if Senators would bear this rule in mind and not put the Chair in a position where to obey the mandate of the Senate he must appear in the position, perhaps, of one who desires to dictate to the Senate what course they should follow; but the Chair on yesterday knowingly, and thinking at the moment what he was doing, did violate the rule in recognizing the Senator from Michigan [Mr. SMITH] to present a resolution, interrupting the Senator from Vermont [Mr. DILLINGHAM] so to do, and the Chair thought, having purposely—if he may use that word—violated the rule yesterday, that he should call the matter to the attention of the Senate, acknowledge his fault, explain the reason for his action, and ask the Senate to help in maintaining strictly the rules of the Senate.

FIVE CIVILIZED TRIBES IN OKLAHOMA.

Mr. OWEN. I ask unanimous consent for the present consideration of the bill (S. 6339) to adjust titles within the Five Civilized Tribes in Oklahoma, and for other purposes.

Mr. SMOOT. I should like to ask the Senator from Oklahoma whether the bill has been reported from the Committee on Indian Affairs?

Mr. OWEN. It has been reported from the Committee on Indian Affairs, and upon a letter of recommendation from the Secretary of the Interior.

Mr. SMOOT. Is the report a unanimous one?

Mr. OWEN. The report is unanimous.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to validate by approval any instrument purporting to be a deed of conveyance or contract for title of allotted lands of the Five Civilized Tribes made prior to the removal of restrictions and before January 1, 1912, in the following cases, to wit:

First. When the purchase or contract was made in good faith, and no fraud was practiced, and the Indian allottee was actually paid the reasonable value of the land.

Second. When the purchase or contract was made in good faith and no fraud was practiced, but when the consideration paid was not sufficient to cover the reasonable value of the land conveyed; *Provided*, That in this class of cases the settlement can only be made upon the condition that the Secretary of the Interior be paid for the benefit of the allottee a sum sufficient to make up the reasonable value of such lands; *Provided further*, That the settlement in either case shall be made upon such terms of settlement as the Secretary may deem just, proper, and equitable, and under such rules and regulations as he may prescribe, and upon such settlement suit, if any, instituted at the request of the Secretary of the Interior, shall be dismissed without cost to the defendant.

SEC. 2. That the Secretary of the Interior is hereby authorized to permit the sale or exchange of the restricted land of any Indian of any tribe in Oklahoma and invest all or part of the proceeds of any sale which has been or may be made for the benefit of said Indian and his heirs or legal representatives, the property so secured to be held for the use and benefit of such Indian, subject to the same conditions, limitations, and restrictions as imposed by law upon the original lands sold or exchanged by such Indian or Indians. Title to the land secured by purchase or exchange shall be taken and held in the name of such Indian; *Provided*, That the provisions of this act shall apply also to the investment of funds of Indians of the class subject to restriction, but who have not been allotted lands and have or may hereafter have moneys in the custody of the United States to their credit.

SEC. 3. That no lease executed by a member or members of the Five Civilized Tribes covering lands from which restrictions upon alienation have not been removed shall be valid unless approved by the Secretary of the Interior or by some officer located in the State of Oklahoma designated by him for that purpose, under such rules and regulations as the Secretary of the Interior may prescribe; *Provided*, That in case any allottee of the Five Civilized Tribes having restricted lands for any reason fails or refuses to accept patents therefor or to take possession thereof the Secretary of the Interior or any officer designated by him is hereby authorized to make, execute, and deliver for and on behalf of such allottee a lease covering said land, and the proceeds of such lease shall be deposited with and held by such officer as the Secretary of the Interior may designate, and shall be disbursed to said allottee, his

heirs, or legal representatives whenever it shall be shown that he or they should receive the same.

SEC. 4. That from and after the approval of this act any person, firm, or corporation procuring, accepting, or placing of record any deed, mortgage, contract to sell, power of attorney, lease, or other instrument or method of encumbering real estate relating to land allotted to members of the Five Civilized Tribes, made prior to the removal or expiration of restrictions therefrom, or if not approved as provided in this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$500 nor more than \$5,000, or by imprisonment for not less than 60 days nor more than 1 year, or by both such fine and imprisonment.

Mr. CLARK of Wyoming. Before the bill is taken up, I should like to inquire of the Senator from Oklahoma if I am correct in my deduction that section 2 of the bill substantially removes all restrictions which Congress has heretofore placed upon the alienation of Indian lands, subject to the will of the Secretary of the Interior?

Mr. OWEN. It does not. It merely permits the Secretary to invest the proceeds of sale of land in other land better situated. The act of May 27, 1908, authorizes the Secretary of the Interior to remove restrictions upon any lands in the Five Civilized Tribes. That is the present law.

Mr. CLARK of Wyoming. Then how does this bill change the present law?

Mr. OWEN. The bill changes the present law in this, that the act of May 27, 1908, forbade the Secretary of the Interior to approve any contract made prior to that act, although the previous agreement—as the Creek agreement, for instance—permitted such contracts to be made subject to the approval of the Secretary. The purpose of this bill is to enable the Secretary to bring to a conclusion, by administrative and executive adjustment, the innumerable suits which have been brought in the Five Civilized Tribes, of which there are about 26,000 still pending, and which can not, in the nature of the case, be economically, quickly, or conveniently adjusted by judicial and equitable procedure.

Mr. CLARK of Wyoming. Would not that purpose be accomplished without the insertion of section 2 in the bill?

Mr. OWEN. Section 2 of the bill is intended to cover this point: Selling restricted lands in the drainage districts, where it is proposed to dispose of restricted lands, and authorizing the Secretary to invest the proceeds in other lands.

Mr. CLARK of Wyoming. Would not section 2 enable all the lands of all the Indians in the Five Civilized Tribes to be placed, by the consent of the Secretary, in the market for sale, and thus eliminate entirely the Indians as landholders? I notice the section says he may sell or exchange certain lands.

Mr. OWEN. Permit the sale.

Mr. CLARK of Wyoming. But it does not say that the proceeds of the sale of those lands shall be invested in other lands. The assumption of the second section is that the proceeds shall be invested in other lands, but the wording of this section does not require it. So that the full-blood Indian lands could be disposed of under section 2 and no other lands be substituted in place thereof. But the proceeds of the sale of those lands could be invested in such a way as the Secretary of the Interior may see fit.

Mr. OWEN. Under existing law, the act of May 27, 1908, the Secretary has the right to allow the alienation of any of these lands, including those belonging to full bloods, but the practice has been that he has only permitted parts of it to be sold where the proceeds might be judiciously invested in the improvement of the remainder; but under existing law he can not invest the proceeds in other land. Section 2 of this bill enables him to do this.

Mr. CLARK of Wyoming. My impression has been that the purpose of all our legislation along this line has been to fix for a certain period of years the title in the full-blood Indians. It seems to me—

Mr. OWEN. If the Senator from Wyoming will excuse me for a moment, I suggest that the Senator from Wyoming is probably thinking of what is known as the McCumber amendment of April, 1906, which provided that lands of the full bloods should be inalienable until 1931; but the act of two years later, known as the removal-of-restrictions act, approved May 27, 1908, provided they might be sold with the approval of the Secretary, and he has 16 district agents acting in an advisory capacity in that country so he may protect the interest of the restricted Indians.

Mr. GALLINGER. I ask the Senator from Oklahoma if this question has been before the courts of the country?

Mr. OWEN. It has been before the courts for four years, and there are 26,000 of these cases pending, the first demurrers only having been decided after four years.

Mr. GALLINGER. And a decision has been rendered?

Mr. OWEN. In part, in a few cases brought upon demurrer.

Mr. GALLINGER. As this matter has been before the courts and appears to have been in part adjudicated, I must object to the present consideration of the bill, as I want to look into it.

Mr. OWEN. There has been no final adjudication. The first demurrers only have been passed upon.

Mr. GALLINGER. I presume the bill is all right, but I want time to look into the matter. Therefore I wish it to go over for the present.

Mr. OWEN. The letter of the Secretary fully explains the matter, and will be found in the unanimous report of the Committee on Indian Affairs, on the calendar. Of course, if there is any objection I yield.

Mr. GALLINGER. I will read the Secretary's letter and also the report of the committee.

REGULATION OF IMMIGRATION.

Mr. LODGE. I move that the Senate proceed to the consideration of the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE PRESIDENT. The Secretary will state the pending amendment.

The SECRETARY. Beginning on page 7, line 11, of the last print, it is proposed to strike out beginning with the word "all" down to the word "excluded," on page 8, line 8.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. ROOT. Mr. President, I am opposed to the amendment striking out the illiteracy clause. I believe the time has come when it will be for the benefit of the people of the United States, including all the millions of immigrants who have come into this country in recent years, to put into our immigration law a clause which will require the immigrants who are admitted here to pass the test of ability to read and write.

I intend to say but a very few words on the subject. I am not in favor of this proposition for the reason that it will tend to exclude criminals and anarchists. I do not suppose it is intended for that purpose at all, and the fact that it will not accomplish that purpose is no argument against the test. I am not in favor of the test of illiteracy because I think there are not many good people who would become useful citizens and who can not read and write at this time. It may well be that such a test will exclude a good many people whom we should be glad to have here. But, Mr. President, the question is not whether this test will still leave it possible for some people to come in who ought to come in, or whether it will keep out certain people whom it would be well to keep out, but whether such a test will be beneficial to the people of the United States.

It seems clear to me that it will be beneficial as a whole. I think there is a general and well-founded feeling that we have been taking in immigrants from the Old World in recent years rather more rapidly than we have been assimilating them. They have been coming in rather more rapidly than they have been acquiring American habits of thought and the American spirit of government, and it could not well be otherwise in view of the fact that of the 9,555,000 immigrants who have come into this country during the 12 years following the War with Spain, 2,238,801 over 14 years of age were unable to read and write, with the result that we have many great communities composed of people gathered together unable to speak the English language, unable to read the newspapers or the magazines or the books, through the agency of which a knowledge of what is going on in the world and a knowledge of the principles of our Government may be communicated to our people.

These communities of foreigners, speaking a foreign tongue, with foreign habits and thoughts, cut off by inability to read from the great body of the people of America, cut off from our ideas, from our thoughts, our sentiments, our feelings, our purposes by their own ignorance, are encisted in the body politic of America and the body social of America and are not a part, in fact, of the organized community which we call the United States.

Mr. GRONNA. Mr. President—

The PRESIDING OFFICER (Mr. SWANSON in the chair). Does the Senator from New York yield to the Senator from North Dakota?

Mr. ROOT. Certainly.

Mr. GRONNA. Would the Senator from New York exclude immigrants unable to read in English no matter how well they might be educated in some other language?

Mr. ROOT. No; I would not, because if they can read and write the demands for information will be responded to by the journals of their own tongue.

Mr. DILLINGHAM. The bill does not exclude them.

Mr. ROOT. The bill does not exclude them. The bill draws the line very clearly. It is inability to receive ideas through the written or printed word in any language.

Mr. GRONNA. If the Senator will allow me further, he lays stress upon the fact that these immigrants are unable to read the magazines. I wish to suggest that there are a great many published in languages other than the English language.

Mr. ROOT. There are also many magazines published which it is just as well they should not read. But I think it is desirable that they should be able to read in some language.

Mr. President, the general consideration which I have mentioned is still further emphasized when we consider the character of the present-day immigration. The Senator from Vermont [Mr. DILLINGHAM] in his most interesting and instructive speech yesterday presented the distinction which the commission had recognized between what they call the old immigration and the new immigration, the old immigration having come chiefly from northwestern Europe and the new immigration coming chiefly from southeastern Europe.

I do not wish to be understood as saying a word that in any degree implies an assertion of our superiority to the peoples of southeastern Europe or which in any degree reflects upon the high character of those peoples, but, sir, we can not fail to perceive, if we read history and if we acquaint ourselves with contemporaneous events, that the people of that part of Europe are much further removed from sympathy with our modes of government, are much less trained in the kind of self-government which is necessary to us than the people who came from northwestern Europe. They are more unlike us, not only in language but in habit and in their acquired capacity for self-government. So they need to a much greater degree than the people of the old immigration to be able to read and write, to be able to come into touch with the public sentiment and to a knowledge of the public purpose of our country.

The specific reason why I think this educational qualification will, as a whole, be a great advantage is that it will especially affect a very large immigration from southeastern Europe, which has in recent years furnished this unassimilated element, this element which it is difficult for us to assimilate, and which when it gets here is cut off from the general sentiment and opinion of the country.

Look at the figures of illiteracy among the people who have been coming here of late from southeastern Europe. Of the Poles, 861,303 have come in since the War with Spain, and of them 35.4 per cent could not read and write. Of the Slovaks, 342,583, and of them 24 per cent could not read and write. Of the Croatians and Slovenians, 320,977 have come in, and of them 36.1 per cent could not read and write.

Mr. STONE. I do not wish to interrupt the Senator, but what was the number he just named?

Mr. ROOT. Three hundred and twenty thousand nine hundred and seventy-seven.

Mr. STONE. At what time?

Mr. ROOT. That is since the War with Spain.

Mr. SHIVELY. Will the Senator allow me to interrupt him?

Mr. ROOT. Certainly.

Mr. SHIVELY. How was that percentage ascertained? Has there been such a test and such an examination as to make these statistics authentic?

Mr. ROOT. It is the report of the Immigration Commission, and is to be found on page 99 of the first volume.

Mr. SHIVELY. The Senator has examined the report. Is there an examination made on the entrance of these people?

Mr. ROOT. There is an examination made upon their entrance into this country, and among the facts that are recorded is the fact whether the immigrant can read and write or can not.

Mr. SHIVELY. Is that done under a requirement of existing law, does the Senator know?

Mr. ROOT. I do not know whether it is or not. It is done, and the Immigration Commission makes this report in Table 11, "Number and per cent of immigrants admitted to the United States who were 14 years of age and over and who could neither read nor write, during the fiscal years 1891 to 1910, inclusive, by races or people, compiled from reports of the United States Commissioner General of Immigration."

Mr. WILLIAMS and Mr. STONE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New York yield, and to whom?

Mr. ROOT. I yield first to the Senator from Mississippi, and then I will yield to the Senator from Missouri.

Mr. WILLIAMS. Is that fact determined by a practical test, or simply by asking the immigrants the question?

Mr. ROOT. I do not know, Mr. President.

Mr. WILLIAMS. Does the Senator from Vermont know?

Mr. DILLINGHAM. I am unable to state definitely, but I think it is the result of inquiry.

Mr. WILLIAMS. If it is determined simply by asking the question, a great many people who can not read and write would say that they can.

Mr. ROOT. Yes. The effect of that, of course, would be that if there was any error it would be in the way of an understatement of the number of illiterates, for no one who can read and write is going to claim that he can not. Does the Senator from Missouri wish to interrogate me?

Mr. STONE. I understood that the period covered by this table is from 1899 to 1910, inclusive. That is 12 years. The Senator states that the immigration from certain countries during that period was so much in the total, and then that there was a certain per cent of illiteracy. Take the last case the Senator referred to, about which I made an inquiry. What was the total immigration during that period of 12 years?

Mr. ROOT. I think the last was the Croatians and Slovenians.

Mr. STONE. I think so.

Mr. ROOT. The number was 320,977.

Mr. STONE. What was the per cent of illiteracy?

Mr. ROOT. 36.1 per cent.

The Portuguese sent 38,122, and of them 68.2 per cent were illiterate. They should not properly, of course, be counted as having come from southeastern Europe. Twelve thousand six hundred and seventy Turks came in, and of them 59.5 per cent were illiterate; 47,834 Syrians, and of them 53.3 per cent were illiterate. The Bulgarians, Servians, and Montenegrins sent in 95,596, and 41.7 per cent were illiterate. Of the south Italians there came in 1,690,376, and of them 53.9 per cent were illiterate. So, with them no ray of public opinion could pierce the darkness which makes possible the Black Hand and the black-mail and the number of assassinations for gain which has proved so serious a problem for the peace officers of our country to deal with. Fifty-three and nine-tenths per cent out of 1,690,000 were unable to read and write in any language, inaccessible to those ideas which are essential to the maintenance of our peace and order and the perpetuity of our institutions.

Now, Mr. President, it is manifest that the imposition of the literacy test will bar practically one-half of this class of immigration. It will bar that part which by and large is the least intelligent, the least capable of being manufactured into good American citizens, and the most dangerous as a new and unassimilated element in our body politic. That consideration, it seems to me, should be controlling in favor of the inclusion of this literacy test.

Mr. President, there are two special considerations that I wish to lay before the Senate in its dealing with the question whether it is desirable for us to impose this limit. One is that the coming of great numbers of these people who are wholly illiterate and who have to take, of course, the lowest rate of wages, whose minds are not open to the ordinary opportunities for bettering their condition, does tend to break down the American standard of wages, and to compel American workmen, whether they be born here or be a part of the 9,000,000 who have come in since the War with Spain, to compete with a standard of wages and a standard of living that they ought not to be required to compete with.

Now, that is the reason why within a comparatively recent time the workingmen of the country who formerly were moved by sympathy with the friends they had left behind them on the other side of the ocean have now come to feel that it is essential that something be done, so that this bringing in and planting on our soil the pauper labor of Europe may be checked, and why they are asking for this legislation.

I do not see, sir, how any one upon either side of this Chamber can square his conduct with his professions of a desire to promote the welfare, to improve the conditions, to contribute to the happiness of men who work with their hands in this country and refuse to check this influx of ignorant labor to compete with our workmen and reduce them to a standard of living below that which they have at present.

Mr. President, I do not blame a business man who has work of construction, or mining, or manufacturing on hand for trying to get ample labor, and to get it at as low wages as he can consistently with common humanity and fairness. I do not mean to say that a man who has a coal mine should not be regarded as at liberty to employ labor and to desire that there should be plentiful labor for him to employ. But I do say, sir, that the interests of owners of mines and manufactories and contracting organizations should yield to the interests of the people as a whole, and the interests of the people as a whole must prevent the further dilution of our labor by this muddy stream.

There is one other consideration which seems to me of very serious importance. We do not have to wait now, sir, for men to be naturalized and accorded the suffrage before they can exercise a potent influence upon the most vital concerns of the whole people. It is only a few weeks since we have seen Great Britain face to face with a paralysis of industry, with imminent danger of famine, with a condition which had thrown out of employment more than 2,000,000 of the working people who themselves were not on strike, but who were thrown out of employment because the coal supply to keep going the industries in which they worked had failed. That situation was brought about by a vote of the miners of coal.

But a few years ago, sir, we ourselves were confronted with a situation—not so widespread and not so imminent in its danger, but serious enough—when the coal miners of Pennsylvania stopped absolutely the supply of anthracite coal for the country. That stoppage of that great supply necessary to the comfort, necessary to keep going the furnace fire and the kitchen fire, to keep going the manufactories which employed labor, to keep going the wages of labor, was brought about by a vote of the miners in the anthracite regions of Pennsylvania.

Mr. President, I do not in the remotest degree touch upon the question of right or wrong, wisdom or unwisdom, expediency or in expediency of such a vote. At times it may be justified; at times it may not. It even may be a close and doubtful question as to whether the men who mine the coal or the men who work in any other of the great basic industries upon which our great structure of production and commerce is built up should vote to stop.

Surely, sir, it is of vital importance to the people of the United States that the men who are to consider that question, the men who are to vote whether they will go on to furnish or will cease to furnish the supplies necessary to the continuance of our industries at large, to the continuance of the supply of the necessities and comforts of life—surely it is of vital importance to us that the men who are to cast that vote shall be men instructed, men who are able to read, men who are able to get into touch with the sentiments of American life, with the principles of American institutions. Yet we find by the report of the Immigration Commission that it is into those basic industries upon which all our industries depend that these new arrivals from southeastern Europe go. They go to the point where ignorant, uninstructed action may do the greatest damage, to the point where instructed and wise action is of the greatest consequence. Here is what the commission says:

A large proportion of the southern and eastern European immigration of the past 25 years has entered the manufacturing and mining industries of the Eastern and Middle Western States, mostly in the capacity of unskilled laborers. There is no basic industry in which they are not largely represented and in many cases they compose more than 50 per cent of the total number of persons employed in such industries.

And to-morrow, sir, the question whether the workers in our mills shall continue to have employment, the question whether our furnace fires shall continue alive, whether the ordinary necessities of life shall be cut off, is liable to be determined by the vote of the miners, more than 50 per cent of whom, according to this report, may be unable to read and write.

Mr. STONE. Do I understand, Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Missouri?

Mr. ROOT. Yes.

Mr. STONE. Do I understand the Senator from New York in that remark to assert it to be a fact that 50 per cent of the miners are illiterate?

Mr. ROOT. No, Mr. President; I make no such assertion.

Mr. STONE. The Senator's remark seems to leave that inference.

Mr. ROOT. I have read the statement from the report of the commission. The commission says:

There is no basic industry in which they are not largely represented—That is, these unskilled laborers from southeastern Europe—in which they are not largely represented, and in many cases they compose more than 50 per cent of the total number of persons employed in such industries.

I do not think it is a fact that a majority of the miners in any part of the country are illiterate, but I say that, unless we put some check on this immigration, we are feeding into the body of men who are engaged in these basic industries—the continuance of which is necessary for all other industries—a continual stream of men whose minds are closed to the principles and the sentiments of our American institutions and our American civilization. I think that this consideration is powerful in its persuasion toward the adoption of such a test as it is now proposed to strike out from the bill.

Mr. PERCY. Mr. President, after the illuminating speech on this subject by the Senator from Vermont [Mr. DILLINGHAM]

and the forceful presentation of the question by the Senator from New York [Mr. ROOR], I have no hope of adding anything of interest to the discussion; but I do desire to briefly submit the reasons which influence me in supporting the bill as framed and opposing the committee amendment which seeks to strike from that bill the literacy test.

For a period of years preceding 1907 the tide of immigration into this country had grown steadily with every year, until in that year more than a million and a quarter of immigrants came to our shores. All over the country, from ocean to ocean, our people had become apprehensive over this growing flood of immigration. They wondered what it meant to the wages of the American workingman, what it meant to the perpetuity of American institutions; yet whenever there was an attempt to restrict this immigration by national legislation that attempt was met by the claim of the great employers of labor that they needed this unrestricted flood of immigration to draw on for labor to properly conduct their business and that any curtailment of it meant a check in the prosperity of our people.

There were no sufficient accurate data upon which the question could be intelligently discussed and legislated in reference to, although a bill containing the literacy test has passed one or the other Houses of Congress nine times. Such a bill passed both Houses in 1897 and was vetoed by President Cleveland. In 1907 a bill containing substantially this provision passed the Senate of the United States; but when it reached the other House, either for the purpose of retarding legislation restricting immigration or for the purpose of securing information so that such legislation could be more intelligently considered, the other House substituted for the literacy test a provision creating the Immigration Commission. The bill creating the commission provided that the commission should investigate the immigration question and report its conclusions and its recommendations as to legislation on the subject.

A word about the composition of that commission. It was composed of nine members, three Senators named by the President of the Senate, three Members of the House of Representatives named by the Speaker of the House, and three persons, not Members of Congress, selected by the President of the United States because of their familiarity with the immigration question.

This commission represented every shade of opinion upon the question of immigration. Some of its members favored no restriction in immigration; some of them favored no immigration. Under the power conferred upon them they first investigated conditions in those countries from which the heaviest immigration was coming. They investigated the economic conditions of the laborers there, what wages they received, what drove them to our shores, what kind of citizens they made in those countries, and what kind of citizens it might be expected they would make when they came to our country. Returning to this country, the commission followed these aliens into the various pursuits in which they had embarked. To show the nature and the scope of this investigation, the commission considered more than 3,000,000 individual cases, following them into the occupations in which that number of aliens were then engaged.

The result of their work is comprised in 42 volumes, containing much valuable information to the student of this subject. The commission ascertained two pregnant facts in connection with this question: One, that in the past 25 years there has been a total change in the character of the immigration coming to our country. Prior to 1882, 95 per cent of the immigration came from northern Europe—the British Isles, Germany, Belgium, Switzerland, and Scandinavia. These immigrants were home seekers and were readily assimilated by our people. They desired to become citizens, and they helped in the development of that great northwestern empire of ours; but within the past 15 years more than 80 per cent of the immigration comes from southern and southeastern Europe, and those immigrants are not as a rule home seekers; they are not readily assimilated by our people; they do not desire to become American citizens; but each year they either ship or they carry back to the shores from which they came millions of dollars of American money.

The commission found, too, that there was a greater supply of unskilled labor than the business of our country demanded, and that this surplus supply of unskilled labor was used by the great employers of labor as a weapon with which they forced down the wages of American workingmen below a fair wage, according to our standard, and below a fair share of the profits of the business in which those men were employed.

The commission, as the result of their investigation, unanimously recommended that there should be legislation substantially restricting immigration; and, with the exception of one member, Mr. Bennet, of New York, they unanimously recommended among the various methods of restricting immigration

the adoption of the literacy test. To strike this test from the bill rejects the conclusion reached by that commission; it emasculates the bill and leaves it nothing but a codification of existing immigration laws; it bitterly disappoints the American people, whose sole interest in the immigration legislation is that there shall be some substantial reduction in the flood of immigration.

The reason given by the committee for striking out that section of the bill is that the retention of it might jeopardize the passage of the bill. I do not believe that to be the case. I think that is the most important part of the bill, and should be retained in it.

There is one other consideration that influences me to reach this conclusion. There has never been a time in the history of our country when restriction in immigration would work as little injury to the business interests of our country as to-day. There are no great enterprises being rapidly pushed to completion requiring as an indispensable adjunct to their development an unlimited supply of cheap labor. There has never been a time in the history of our country when its political welfare has imperatively demanded a substantial reduction in immigration as to-day.

We are living in a shifting era. The burden of government, according to the tendency of political thought, is being placed more directly upon the shoulders of the people; and whether one rejoices in that or whether one deplures it is absolutely immaterial; the fact remains.

It is likewise, Mr. President, immaterial whether we belong to that school of cheerful political optimists who believe that by the direct primary, the initiative, the referendum, and the recall a change is going to be wrought in the character of our people, a change more wondrous than a sea change and more miraculous than the alchemist's dream of converting common dross into pure gold, the change of the derelict citizen into the sage statesman, the change that will make the citizen, who to-day through indifference or ignorance fails to discharge the burdens of citizenship, discharge with intelligence and with zeal those added burdens which will be imposed upon him, or whether we belong to the school of politicians who believe that these changes unchecked portend the end of representative government, and who believe that representative government, as it has existed in the United States by virtue of what it has stood for, by virtue of what it has achieved for mankind, is deserving of commendation and perpetuation and not of repudiation and destruction—to whichever school we may belong, we all must realize that we stand on the threshold of an era in which the capacity of the American people for self-government will be tested as it has never heretofore been tested; and in meeting the great governmental questions which confront them they have a right to be protected from the injection into the body politic of millions of aliens, uneducated and incapable within any limited time of becoming intelligent American citizens. They have a right to make this demand, and that is their demand to-day.

Every consideration, Mr. President, seems to me to make imperative a substantial reduction in immigration, and there is no question that the literacy test is the best single means of reducing immigration, reaching, as it does, that class of immigrants which is most undesirable. For these reasons I shall support the bill as submitted to the committee and shall oppose the committee amendment.

Mr. MARTINE of New Jersey. Mr. President, I can not vote for the literacy test in this bill as a passport to this country. Forty or fifty years ago 90 per cent of the immigrants that came to this country came from Ireland and Germany, and scarcely one of them could have stood this test; and yet all those immigrants, or practically all of them, became industrious citizens, amassed money, yes, fortunes, through their thrift and ambition, and their children to-day are among the best citizens of this country. Education to a man or a woman of evil character and disposition will make him or her most dangerous.

Mr. President, this test would have kept my mother, from whose bosom I drank the milk of justice and liberty, from this fair land. I believe that this great country, blessed of God, can digest and assimilate all of the nations of the earth. I have no fear. Let our test be clean morals, sound and clean bodies, and, with a public-school system, we can safely trust the rest to God. As Heaven is my witness, I will never vote to pass a measure that makes this ungenerous and unjust exaction on the part of a free people.

Mr. ROOT. Mr. President, I wish to call the attention of the Senator from New Jersey to the fact that of the Irish immigrants who have come to this country since the War with Spain, 97.4 per cent were able to read and write.

Mr. MARTINE of New Jersey. That is to-day, is it not?

Mr. ROOT. That is what we are legislating for now.

Mr. MARTINE of New Jersey. I know; but I take my example, as I have said, from the immigration of 40 or 50 years ago, when, with the drastic proposition in this measure which is to-day proposed, with its exactions, the best and the grandest element that has carved out the fortunes and welfare of this fair land would have been shut out.

Mr. ROOT. Two and six-tenths per cent of all the Irish immigrants since the War with Spain have been illiterate. The difference is very marked. You look at the figures as to Scandinavians. Only four-tenths of 1 per cent are illiterate; 99.6 per cent could read and write. Of the Scotch, only seven-tenths of 1 per cent were illiterate. Of the Dutch and Flemish, 4.4 per cent were illiterate, and so on; and even of the northern Italians as compared with the south Italians, only 11.5 per cent of the northern Italians were illiterate, while 53.9 of the south Italians were illiterate. The desirable citizens will come in—

Mr. WILLIAMS. Before the Senator from New Jersey sits down, I call his attention to the fact that he did not read anything as to the percentage of illiteracy among the German people who come here. I have not the percentage at hand, but it has been a fact from the very beginning of the German immigration that a vast majority of them were of the class who could read and write. And that is especially true, notably of 1848, when the great German immigration occurred, when it first began in stupendous proportions. They constituted the most intelligent part of the German people, the most highly educated in political and in social science, and from them came the class of people to whom the Senator from New Jersey has referred. There has never been a time in our history when the German people did not possess a higher percentage of literacy than the American people did, taking the American people as a whole.

Mr. ROOT. I can supply the figures from this report as to the German immigration since the War with Spain. Only 5.2 per cent of the Germans who have come in during that period were illiterate and 94.8 per cent could read and write.

Mr. BORAH. Mr. President, I am not going to delay the vote upon this bill long if the Senate is ready to vote upon it, as I take it that it is, but I desire before the bill is finally submitted to express briefly some views on the subject of immigration.

I have no prejudice against foreigners. From them we secure some of our best citizens. But there are two classes of immigrants that particularly concern me, in reference to any immigration bill, and that is the immigrant who comes here without any expectation of remaining permanently and the immigrant who is unfit for citizenship when he does arrive and concludes to stay. According to the figures which we gather from the report of the commission, there are about 30 or 40 per cent of the immigrants from a certain part of Europe who come to this country and remain for a time and return. They do not come with the expectation of remaining and becoming citizens. They do not become citizens. They enter for a time in competition with American labor and return to their former abode.

The amount of money sent back by the immigrants was under discussion yesterday, and as it has a bearing upon this particular proposition of the itinerant immigrant, I desire to read a paragraph or two from Dr. Jenks's book on immigration. Upon page 106 of this volume he says:

The importance of immigrant banks as agencies in the transmission abroad of immigrant money is indicated by the fact that approximately one-half of the estimated amount of \$275,000,000 sent abroad by aliens in 1907 passed through the hands of immigrant bankers. The transmission was effected by means of the "money orders" of certain large banking houses which were placed in the hands of immigrant bankers and sold by them to their customers.

The amount of money sent abroad by various correspondent banking houses of immigrant banks in the two and one-half years ending June 30, 1909, is shown by the table below. This table is a summary of carefully prepared statements furnished by four general banking houses, the financial departments of an express company and of a steamship company, and three large Italian banks, including the New York office of the Bank of Naples. These are the leading concerns through which immigrant banks transmit money abroad.

From January 1, 1909, to June 30, 1909, \$30,780,645.65 was sent abroad; during the year 1907, \$141,047,381.92; during the year 1908, \$77,666,035.46. It is evident, of course, that wages are far better here than in the countries from whence they came or they would not come solely to get work, accumulate money, and return. If they could secure the wage there that they do here, they would not be here. But the effect of their coming, while it betters their condition, militates against the conditions of labor here.

We have, therefore, a very large class of immigrants who come to this country, not, as I say, with the expectation of becoming a part of our national life or a part of our citizenship, but who compete for a time in our labor market, send their money back to the old country, and finally return themselves. That is a kind of competition—much as we believe in competi-

tion in these days—that we should guard against so far as we can. It is having its effect in the industries of the country.

There can be little question that in a number of industries of the country foreign labor, and this class of foreign labor, is taking the place of our people, taking the place not only of those who were born here, but of those who come here with the expectation of remaining. I desire to read a single paragraph from the report of the Department of Commerce and Labor upon the condition of wages in the steel industry. This will show that not only the American born, but foreigners who come here, and whom we are glad to have come when they come to stay, are interested in this subject. All who become a part of us are interested in a good wage, for I want it understood that I regard the foreigner who comes among us to permanently remain as entitled to the same rights and protection as the home born, and I speak of them all as American citizens.

Another striking characteristic of the labor conditions in the iron and steel industry is the large proportion of unskilled workmen in the labor force. These unskilled workmen are very largely recruited from the ranks of recent immigrants. For the industry as a whole, not far from one-half of the 91,463 employees in the productive iron and steel occupations included within this investigation were of the class of unskilled workmen. In the blast-furnace department, the largest single department in the industry, more than two-thirds of the 24,722 employees in productive occupations were unskilled laborers, a large proportion of whom do not yet speak or understand English; and even in the South the number of immigrants employed in the industry is rapidly increasing.

Mr. DILLINGHAM. What is the Senator reading from?

Mr. BORAH. From the report of the Department of Commerce and Labor upon the conditions of labor in the steel industry.

Mr. DILLINGHAM. Would it interrupt the Senator if I gave some figures bearing upon that point, which I had not at hand yesterday?

Mr. BORAH. I shall be glad to have the Senator insert them.

Mr. DILLINGHAM. I have found since yesterday that the commission received returns from about 86,000 laborers in the iron and steel industries, and of that number 57.7 per cent were foreign born, and that the yearly earnings of those reporting averaged \$346 and their weekly earnings about \$4.35, which would indicate that they did not have work for much more than half the time.

Mr. BORAH. I find also from the report of the commission that about 44 per cent of the immigrants from southeastern Europe are unable to read and write.

Now, I would not, if I was drawing a measure, exclude one because he could not read or write our language, of course, but it does seem to me that there should be taken into consideration the necessity of assimilating these people to our life and our mode of living and thought, and that it ought to be required of them that they be capable of reading and writing their own language. They come presumably to take part as citizens, if they come to stay, and they ought, it seems, be prepared for the duties imposed upon them. There is practically no way by which we can communicate with them or by which they can take in our mode of life and our theory of government unless they are in some measure capable of reading and writing. If they are capable of reading and writing their own language, it will be but a short time until they are capable of understanding the questions uppermost in our civic life. There will be no difficulty in their getting in touch with our way of thinking and living.

Mr. WILLIAMS. Will the Senator pardon a suggestion? This country is full of splendidly edited papers published in every European language, and the man who can read his own language thus may keep in touch with current events and be informed about what is really going on in his adopted country. So you do not have to wait until he learns English. He can inform himself from the existing current literature published in his own tongue. There is not a single one of these tongues that has not some great journal in this country.

Mr. BORAH. I agree with the Senator from Mississippi, and while I did not express myself, perhaps, as clearly as I should, I had in mind the fact that if he could read and write his own language there would be a channel of communication, either through journals published in his own language or through translations, by which he would be able to keep in touch with American life.

I read a quotation from a newspaper. Of course, I do not vouch for this, although I take it from other sources that it is likely of substance and well founded:

While the illiteracy test is not intended as a substitute for laws debarring alien criminals, if it had been in effect years ago one-fifth of the foreign-born criminals in our jails and prisons would not be there, for, according to the censuses of 1890 and 1900, 21 per cent of the alien criminals are illiterate.

Not all immigrants, but those who have been convicted of crime.

Mr. HEYBURN. That is a small percentage.

Mr. BORAH. I also desire to read a page from Dr. Jenks's book, with reference to the effect of this kind of competition upon the sanitary and safe conditions of the places where the employees of this country are employed:

Relative to the effect of recent immigration upon native American and older immigrant wage earners in the United States, it may be stated, in the first place, that the lack of industrial training and experience of the recent immigrant before coming to the United States, together with his illiteracy and inability to speak English, has had the effect of exposing the original employees to unsafe and unsanitary working conditions, or has led to the imposition of conditions of employment which the native American or older immigrant employees have considered unsatisfactory and in some cases unbearable. When the older employees have found dangerous and unhealthy conditions prevailing in the mines and manufacturing establishments and have protested, the recent immigrant employees, usually through ignorance of mining or other working methods, have manifested a willingness to accept the alleged unsatisfactory conditions. In a large number of cases the lack of training and experience of the southern and eastern European affects only his own safety. On the other hand, his ignorant acquiescence in dangerous and unsanitary working conditions may make the continuance of such conditions possible and become a menace to a part or to the whole of an operating force of an industrial establishment. In mining, the presence of an untrained employee may constitute an element of danger to the entire body of workmen. There seems to be a direct casual relation between the extensive employment of recent immigrants in American mines and the extraordinary increase within recent years in the number of mining accidents. It is an undisputed fact that the greatest number of accidents in bituminous coal mines arise from two cases: (1) The recklessness and (2) the ignorance and inexperience of employees. When the lack of training of the recent immigrant abroad is considered in connection with the fact that he becomes a workman in the mines immediately upon his arrival in this country, and when it is recalled that a large proportion of the new arrivals are not only illiterate and unable to read any precautionary notices posted in the mines, but also unable to speak English, and consequently without ability to comprehend instructions intelligently, the inference is plain that the employment of recent immigrants has caused a deterioration in working conditions.

Reading from page 100:

The extensive employment of recent immigrants has brought about living conditions and a standard of living with which the older employees have been unable or have found it extremely difficult to compete. This fact may be readily inferred from what has already been said relative to the methods of domestic economy of immigrant households and the cost of living of their members.

Of course, Mr. President, the immigrant must necessarily come to this country, because the conditions of his own country are not as desirable, wages are not as desirable, as they are in this country. But that does not meet the proposition of protecting the American laborer and the responsibilities which he has to perform against the competition of this itinerant element of immigration.

Mr. President, our shores have always been a refuge for the people of other countries. Those seeking to better their economic conditions and those seeking for the freedom denied them at home have found a welcome here. I do not want to change that in any sense so long as those who come come with the purpose and possessed of the capacity to make good citizens. But I am opposed to admitting to this country the immigrant who has neither the expectation of permanently remaining nor the qualifications of good citizenship should he conclude to remain. I would make the law as efficient and stringent as possible to test the intent with which the immigrant comes and his capacity for discharging the duties of citizenship after he arrives. If he comes simply to compete for a time in our labor market, lowering the wage and standard of living of the American workingman, and then return, I would deny him admittance; if possible. If he comes for the purpose of staying, then I would certainly require as a prerequisite manifest friendliness toward and an intelligent conception of the worth of our institutions. I am opposed to admitting to this country the itinerant immigrant who lowers our standard of citizenship and the unfriendly and incapable immigrant who is a menace to our institutions. I am in favor of closing down the gates with every possible stringency against those who have neither the loyalty nor the intellectual capacity to meet the obligations of citizenship.

If we who have faith in our form of government, who respect its traditions and are fond of the story of its birth and growth, after fair discussion and intelligent observation come to the conclusion that changed conditions require some change in the details of our Government, we will make those changes. We will make them with a profound regard and an affectionate concern for the great underlying principles upon which our Government rests. But I am not favorable to the proposition of turning loose in this country an unfriendly and ignorant class of people who compete with American labor, degrade American manhood, and conspire against American institutions. Our civilization has derived much of its vigor and its varied strength and power from the different nationalities which have fed the intellectual and moral forces of our land; but they come to stay, they come with a deep love for our institutions, they become a part of the national life, enter into its spirit and

its purpose—loyal, capable, and brave. But the immigrant who lands here with a half-intelligible curse upon his lips for the Government to whose shelter he has fled should be turned back to await the regeneration of heart and mind which will bring him to a realization of the value and worth of this refuge.

The people in this county are calling for greater power in governmental affairs, a wider range of duties, and a far more difficult class of obligations to be performed by the people. The abuse which has been made of delegated powers is bringing about a desire to resume those delegated powers with the intent upon the part of the people to exercise them more directly. The benefits to be derived from this re-assumption of power will be just in proportion to the sustained interest and to the unselfish and intelligent activity of the people at large. The average of American citizenship must be kept high, for no one other than an arrant demagogue will contend that unless our general electorate is to be kept up to the highest possible average for intelligence and honesty and fidelity these extended powers will be other than fruitless even if they are not freighted with disaster and misery for the very people whom it is intended to serve. These measures of popular government will not of themselves bring either happiness or prosperity. Let their advocates understand this and be honest enough to admit it. They are only instruments of government, and these instruments in the hands of a weak, a corrupt, a dissolute, ignorant electorate would bring utter chaos and ruin. What would such instruments be worth in the hands of an electorate like that in Adams County, Ohio? What would they be worth in some of the congested centers of political degeneracy in our great cities? I use the illustration to warn the friends of these measures, in some of which I believe, that whatever merit they may have and whatever virtues may be wrapped up in them the obligation of protecting the electorate from this swarm of unfriendly, incapable immigrants who would seek our shores is second to no other obligation which we have to meet. The effort for good government and the effort for a high average electorate must go hand in hand.

Mr. GRONNA. Mr. President—

THE VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from North Dakota?

Mr. BORAH. I yield.

Mr. GRONNA. The Senator from Idaho referred to certain citizens of the State of Ohio in the county of Adams. One would infer from his remarks that those citizens are of foreign birth. I wish to ask the Senator if he knows whether or not those citizens are of foreign birth?

Mr. BORAH. I do not think that anyone should infer that I said or intimated that they were of foreign birth. I was speaking wholly upon the subject of keeping up the standard of American citizenship in order to meet and respond to the idea of popular government. I said that those measures would not of themselves bring any relief, but they would only do so as they were exercised by an intelligent electorate. I did not mean to have it inferred that they were foreigners. I think upon reflection the Senator will see he is in error. I judge from the manner in which they played politics that they were Americans of long standing.

Mr. President, the highest ambition of a republic is to build up citizenship, and the only guaranty of free institutions is to be found in the success of that ambition. Without sturdy, self-reliant, sober, frugal, industrious, prosperous citizens we can have some form of government, but we can not have a republic. Year after year thousands of immigrants are crowding to our shores. The public lands which heretofore have enabled us to furnish an outlet for congested centers are fast disappearing. Private lands are passing in price beyond the reach of the man of small means. Homes are becoming more and more difficult to obtain. The wickedness and poverty, the ignorance and vice which live and fester in the shadow of our great cities have startled our most conservative students of economic affairs. These people live in a way and in a manner at war with every demand of stable society and at enmity with every interest of the average American workman. If our workman is compelled to compete with itinerant immigrants, will it be possible for him to escape the low level upon which that immigrant lives? Can he educate his family and fit the members of his family for the duties and obligations of citizenship? I insist that no man can properly discharge the duties of citizenship, meet the responsibilities which rest upon our voters, if he is dragged down by daily toil and deadly competition to the level of the class of people who come here for a season and then go away or who come here mumbing a half-formed curse against every manifestation of law and order.

The most effective speech I have listened to for some time I heard a few weeks ago before the committee of which I have

the honor to be chairman. He was a workingman; he carried in his appearance the certitude, the dignity, the ancient honor of his calling. He was stating the effect of long hours of labor—how it discouraged men from marriage, took away the desire for a home whose comfort their hours of labor prevented them from enjoying; how the long and close application, upon release, incited men to stimulants; how when the work was over they sought either the exhilaration of drink or the rest of the bed, always indifferent to that social life and social intercourse which lift men into a higher level of morals and intellect. He then stated that a large number of men within his own knowledge had left these long hours, begun to work for the Government at eight hours, and that these men had purchased homes, were rearing families, had quit their drinking, and most of them were now taking some kind of a study or intellectual work at night school. In a simple, quiet, sincere way the story was told, and no man who heard it could doubt the sincerity of the speaker or the truth of his word. I have no patience with the laborer who seeks to array his fellow workman against law and order, who incites men to violence and crime, and I have no patience and no respect for those who connive at such things in public life. I would no more countenance it in the laboring man than in the millionaire. But neither have I any patience and very little respect for that class of men who, when you talk about helping the intellectual and moral side of the American workingman, take out their pencils and begin to figure upon what these men can live and keep alive. They curtail nothing from their profits for the sake of good citizenship. They take into consideration not at all the general interests which the Republic has in building up the character and individuality of the citizen. I do not mean to include in this class of figurers, by any means, all who employ labor, because everyone knows that the attitude of the employer toward the employee, in many instances, in this country could not be well improved. But I speak of that very large class still left in the business world who can not get the idea of the serf or the slave out of their system.

We owe it to the workingmen of this country, we owe it to the dignity and strength of American citizenship, we owe it to the good order and peace of society and to the safety and stability of the Republic itself—for its citizenship is its life—to close down the gates against those who are both unfit and unwilling to become American citizens in the full and wholesome meaning of that term. Whatever may be our obligations toward immigrants from the less prosperous countries, whatever may be our sentiments toward the oppressed, nevertheless our first duty is to keep this country and this Government a home for the honest, the industrious, the patriotic people whose only allegiance is here and who know the worth of the asylum to which they have fled. I would not discriminate against beliefs or religions. I would simply say here is a home for all who truly intend to make it a home.

THE VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. WILLIAMS. Mr. President, this is a rather important question, and therefore I suggest the absence of a quorum, that there may be a quorum of the Senate present.

THE VICE PRESIDENT. Upon that suggestion the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Nelson	Smith, Ariz.
Bacon	Curtis	Newlands	Smith, Ga.
Borah	Davis	Nixon	Smith, Md.
Bourne	Dillingham	O'Gorman	Smith, Mich.
Briggs	du Pont	Oliver	Smith, S. C.
Bristow	Fall	Overman	Smoot
Brown	Fletcher	Owen	Stephenson
Bryan	Foster	Page	Stone
Burnham	Gallinger	Penrose	Sutherland
Burton	Gore	Percy	Swanson
Catron	Gronna	Perkins	Tillman
Chamberlain	Heyburn	Pomerene	Townsend
Clapp	Johnson, Me.	Rayner	Warren
Clark, Wyo.	Jones	Root	Watson
Crane	Lippitt	Sanders	Wetmore
Crawford	Lodge	Shively	Williams
Cullom	Marine, N. J.	Simmons	Works

Mr. SHIVELY. My colleague [Mr. KERN] is temporarily and necessarily absent from the Chamber on important public business.

Mr. SWANSON. I desire to state that my colleague [Mr. MARTIN] is detained from the Senate on account of sickness in his family.

Mr. JONES. I desire to announce that my colleague [Mr. POINDEXTER] is unavoidably detained from the Chamber.

THE PRESIDING OFFICER (Mr. GALLINGER in the chair). Sixty-eight Senators have answered to their names. A quorum

of the Senate is present. The question is on agreeing to the amendment of the committee.

Mr. STONE. I do not see the senior Senator from Massachusetts [Mr. LODGE] present. There are Senators here who would like to have the bill go over until to-morrow. The Senator in charge does not seem to be here.

Mr. SMOOT. He will be here in a moment.

Mr. LODGE entered the Chamber.

Mr. STONE. I will say to the Senator from Massachusetts that I have been in a little consultation with one or two Senators on this side, and they are not quite ready to proceed to-day, but can proceed to-morrow and conclude the debate so far as they are concerned.

Mr. LODGE. Mr. President, I, of course, am anxious to dispose of the bill as soon as possible, because there are other very important measures that are pressing for consideration. I think there are several Senators who desire to be heard on the bill. I have no objection to agreeing that the bill shall go over until to-morrow, if no other Senators desire to speak now, if it can be agreed by unanimous consent that we will take a vote to-morrow and dispose of the bill, but I do not want to make any agreement in regard to it otherwise.

Mr. STONE. I am personally anxious to have the matter out of the way not later than to-morrow, and so far as I am concerned I would not hesitate to agree that a vote be taken on the bill and all amendments before adjournment to-morrow.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Utah?

Mr. STONE. I yield.

Mr. SMOOT. I would not like to agree to that, because I know that there are a number of Senators to speak upon the measure. I would join with the Senator in asking the Senator from Massachusetts to let it go over until to-morrow.

Mr. LODGE. I think there are many who desire to speak, and I do not care to diminish the comparatively short time we have for the discussion of the measure. Even if we agree on a time to vote to-morrow I would still feel that Senators desiring to discuss the measure should be given an opportunity to do so now.

Mr. STONE. Of course, if there are Senators who desire to proceed this afternoon, then we might postpone the voting; in fact, it would not be necessary.

Mr. LODGE. I am perfectly willing to postpone the voting, if we can agree to a time to vote to-morrow, if that would be any convenience to Senators, otherwise I think it would be better for us to go on with the discussion of the bill and amendments.

Mr. STONE. I withdraw the suggestion for the present. There are some Senators who may like to go on now.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

Mr. MARTINE of New Jersey. I should like to have the amendment read.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. Commencing on page 7, line 11, strike out commencing with the words "all male aliens" down to and including the words "unless otherwise excluded," on page 8, line 8.

The PRESIDING OFFICER. The amendment will be read in full by the Secretary.

The SECRETARY. Strike out the following words, on pages 7 and 8:

All male aliens 16 years of age or over, who are physically capable of reading and writing, but who are unable to read and write in some language or dialect, such aliens to be tested in this regard in accordance with methods and rules to be prescribed by the Secretary of Commerce and Labor, but an admissible alien may bring in or send for his father or grandfather over 55 years of age, or a son not over 18 years of age, otherwise admissible, whether said father or grandfather or son are able to read and write or not. This provision, however, shall not apply to citizens of Canada, Newfoundland, Cuba, the Bermudas, or Mexico, nor to alien residents of continental United States returning from foreign contiguous territory after a temporary sojourn therein, nor to aliens in continuous transit through the United States, nor to the inhabitants of the Philippine Islands, Guam, Porto Rico, or Hawaii, except as hereinafter provided, nor to aliens arriving in the Philippine Islands, Guam, Porto Rico, or Hawaii; but if any such alien, not having become a citizen of the United States, shall later arrive at any port or place of the United States on the North American continent, the reading and writing requirement shall apply; unless otherwise excluded.

Mr. HEYBURN. Mr. President, it is not my intention to enter upon any general discussion of the bill, but there have been some statements made in regard to the effect of the elimination of this provision or the reincorporation of it into the bill that seem to me to demand brief consideration.

Most of the discussion has centered about a certain class of immigrants, referring, doubtless, to the Italian race. It has been assumed that the bad element of the Italians are those who can not read and write. An investigation will disclose the

fact that the contrary is true. The Italians are divided into two classes. There are what they call the free Italians, who are not under church domination, give it no recognition, care nothing for it, speak scornfully of it. Those people are the ones who are most generally educated. The people who take their instruction from a religious basis, as a rule, have a less percentage of educated people among them.

They are not so much inclined to crime as those who have a little learning. It is the little learning, just merely the ability to read anarchist papers and sentiments, that makes trouble. Those people make the trouble in Italy, and they make it here when they come to this country. It is well enough to bear these facts in mind that it is not entirely the uneducated Italians who comprise or make up the Black Hand or the undesirable element. They have an enthusiastic religion, as a rule, and it is held by them, and by those who are responsible in a large measure for them, to be a sufficient substitute for education.

I took up this question with one of the members of the Italian Government connected with educational matters, and I talked with him for nearly a day about it. He called my attention to the fact that we were laboring under a wrong impression in this country, so far as the mainland Italian is concerned. I do not refer now to those living upon the islands. He impressed upon my mind that those were a safer class of people than those who acquire just enough learning to enable them to become acquainted with anarchistic views. He said, "You can go into one of the organizations of anarchists in that country—and I will undertake to say the same of your own—and you will find that they can probably all read and write; that it is the literature that they have come in contact with, and their ability to communicate with each other, that has laid the foundation and maintained this spirit of lawlessness, while the other element, resting upon a quiet religious sentiment and teaching, know less about and have less opportunity to know about the contentions out of which disturbance grows."

You will find, Mr. President, that view of it is worthy of consideration, and that it is wrong for us to conclude that an educational test applied to the Italians will eliminate the dangerous element. You will find that the officers of these secret organizations are educated men in most instances; in any event they have enough education to equip them for the management of other men, the organization of men, and the direction of men's actions. The uneducated man can not do that, or it is the rarest exception where he can do it. If you will go over into some of our States bordering upon the Hudson River you will find that the persons composing those dangerous organizations against which we have been directing our energies are persons we permitted to come in here under the educational test. So it is not sufficient; it affords no guaranty to apply an educational test to those people, and we do not want to rest on fancied security of that kind.

The benefit that this country derives, if it derives any, from immigration is in the second generation, not from that which comes over. That is merely the seed that rots in the ground. The racial influence that we afterwards obtain is from the second generation trained in our public schools.

Why, there is a perfect mania, a frenzy almost, among the immigrants to get their children into the public schools. I have been watching it with some care for years. The first thing they want to do is to get their children into the schools, whether they themselves are educated or not. The public-school system has been the greatest of all attractions in the drawing of immigration to this country.

I do not believe it is good form to mention these various races of people specifically any more than is necessary for an intelligent discussion of this matter, but take the people of the Jewish race who come from Poland and Russia and that section of the world. They are perhaps as clamorous, if not more clamorous, than any other race of immigrants for the advantages of public schools for their children. I had occasion last fall to be in one of the States lying on the Great Lakes, and I found there people who had only just recently come to this country discussing and clamoring for the opportunity to have the "home language," as they called it, taught at the same time and together with the language of the American public schools. I talked with one of them about it. That demand was being made on the part of the Poles. I said, "Why are you not content to have your children go to the public schools and have them educated in the language of the country in which they are going to make their homes?" He gave me this answer: "At first blush that would seem to be reasonable, but we want our children to be thoroughly educated people, and just as you educate your children, not only in the language of your own country but in the language of others, we would like to have our children taught at the public expense in

the language of their parent country and in the language of the United States." I have thought a great deal about that. It seemed to me there was some reason for it. It was a business proposition with the school committee in that place as to whether or not they would allow any part of the public-school fund to be used for the purpose of teaching those children the Polish language or the language of that particular portion of the world from which they came. To them it was a burning question; but still it all went to the question of education, to the question of the manner of education. As long as people have that in their minds, whatever idiosyncrasies may intervene, the principle is that which will ultimately bring them up upon the broader plane of an educated people.

Probably the evil against which we should most certainly strike is that of the returning immigrant. We employ no aliens in our mines or in our public works in the State of Idaho, so that we are not very much bothered with this question. We were bothered with it until we legislated upon the subject.

To-day a man must be a citizen or have declared his intention to become one before he can be given employment in the mines. That has made a vast difference in the character and personnel of those who work in our section of the country. I would commend it to other States. But we did have for years what we called "the roving element." A man could come from Italy to the United States for \$75. He could remain eight months, during which time he would earn \$900; he could have \$500 of it clear, and go back and spend the winter in Italy just as well as a millionaire, and he would have a surplus capital, because it would not cost him a hundred dollars in Italy in the environment to which he would return to remain there during the winter. In the spring he could, for another \$75, come joyously back again to the United States, go to work in the mines, and repeat the operation year after year. I know personally of many who did that, and they have talked to me about it. I have discussed it with them, and they said it was the best possible life they could attain. When we enacted a law prohibiting any but citizens or those who have declared their intention to become citizens from obtaining work or employment, it made them stop and think; and they commenced to become citizens of the United States or to declare their intention to become citizens, and to pay some attention to the law of the land and become attached to it. We had for many years a mayor of our city who was an Italian, whom I have known since he was a little boy, when he came over with his father. We have a number of them who, because of the insistence of the law, were first attracted to the possibilities of citizenship. The acquiring of property, the locating of mines, the taking up of lands—all of those things became an argument in favor of citizenship.

Now, we want to deal with that question, and have to deal with it in this bill. We ought to provide that a man could not return to this country the second time who had left it under these conditions, but that he would be stopped at the landing. That is the only way to prevent the abuse. I have not thought out any plan for eliminating the first condition, his first experiment, but these people take back hundreds of millions of dollars and leave it in a foreign country. They do not bring it back here.

I know a man now settled in Spain who for years had a little store in our part of the country, where he made a lot of money and went back to Spain. I know another man who has remained in Italy. Take 50,000 men, each with \$500—and that is a low estimate, and, of course, I take 50,000 men merely as a basis for the estimate, for it is really hundreds of thousands—and just see the amount of money that they take out of the country and do not bring back. They invest it against the time when they will be able to retire and go back to Italy and stay there, or they invest it in staking some of their people over there and making them more comfortable, but they do it at the expense of the money available for business in the United States.

Mr. President, these questions are of sufficient importance for us to consider their incorporation in some form into this measure, because the amount of money that has been taken out of this country by the various races and sent back, never to return to America, is a very large item. It is the exportation of money. They earn it; it is theirs; and we can not prevent them from sending it out of the country without doing violence to the principles of our Government; but we can prevent those same people from coming back to the same fishing grounds again; and that is what we should do.

A right comprehension of the educational test, which is the subject immediately under consideration, and a right disposition of the question of the exportation of the funds they realize from their labor, and the question of conferring the privileges of citizenship without the responsibilities of it, are the principal features, in my judgment, in this bill.

I do not feel capable at this time of doing more than suggesting these things. I shall not undertake to discuss them at such length as I would under other circumstances; but I hope that the suggestion will attract the attention of some Senator who will develop those ideas. I have given enough facts—and they can be verified—to enable those questions to be safely dealt with in this legislation.

Mr. O'GORMAN. Mr. President, I am opposed to the imposition of an educational test upon those born in foreign countries who desire to come to the United States. I think it would be regrettable to exclude thousands of able-bodied, honest, and industrious men otherwise desirable who might not be able to meet the requirements of this proposed qualification.

It is said in behalf of this amendment that the large number of foreign-born who pass through the ports of the United States enter into competition with American labor. That is true; it has always been true; it was as true a generation ago as it is to-day, and yet in its results the entire country has been benefited.

This proposal to exclude foreigners has no novelty. This Republic had but completed the first decade of its existence when, in the administration of John Adams, the same sentiments which I have heard expressed on this floor to-day and yesterday were uttered against the foreign born. To discourage immigration, as far back as 1798, under the influence of the Federalist Party, the period of naturalization was extended from 5 to 14 years, and during the same session of Congress and under the same influences the odious alien and sedition laws were passed, which conferred upon the then President of the United States the power to exclude at his will any foreigner found upon American territory. It is to the honor of our institutions and to the glory of the Republic that the shame and infamy of that legislation was wiped out when the Democrats of this country elected Thomas Jefferson to the Presidency.

From time to time in every succeeding generation there have been those who were opposed to the admission of the foreign born into the brotherhood of the Republic. The same arguments were used then that are used now. Within the memory of men in this Chamber it was said of the races which are now glorified and alluded to as the "old immigration" that they could not be assimilated with the American body politic. That those accusations in those days were unfounded has been demonstrated by the experience of the American people. That the aspersions now cast upon the races from southern and eastern Europe are equally unfounded will be established in time.

We are not crowded on this continent. The population of all Europe might be placed in the single State of Texas, and there would be less congestion than now prevails on the Continent of Europe. If there ever comes a time when the American people may deem it necessary to impose restrictions upon desirable immigration, the time will not come in our generation; and if a restriction should be required, if it should be deemed wise as a national policy to discourage immigration, let us proceed upon a safe and sound theory; let us make the qualification that of character and not educational attainments.

Our country is enriched every time an honest, able-bodied man enters the United States. Our institutions are threatened, our safety imperiled, when we become careless respecting those who, possessing an intellectual qualification, are devoid of that which is far more essential, a character qualification. Washington himself spoke of the need of preserving the morality of our people. With this proposed test you ignore the morality of your citizenship; you ignore the question as to whether in character the man is worthy to take his place in this great Republic and help to work out those problems that promise so much for the betterment and happiness of mankind.

For many years in our history we claimed to be the country that extended a welcome to the oppressed from every clime. Why have we changed? Are we so content with our own insulation and with the blessings of our institutions that we would exclude the rest of the people of the world from sharing in their advantages? Our marvelous prosperity, unexampled in the history of governments, a growth in a century and a quarter from 3,000,000 to 90,000,000 people, was made possible only by the policy of free immigration that this country has so generously and so wisely observed in the past. The foreign born have contributed their share of energy, devotion, and patriotism to the greatness of the Republic.

I can find nothing in the suggestions of Senators who have spoken on the other side of this proposition to incline me to yield to their view. I shall vote against every educational test. Impose any character test, and it will have my support.

Mr. WILLIAMS. Mr. President, whoever else may vote to continue this dangerous infiltration into the body politic and the soul politic of America of dense ignorance which is now coming

to our shores from Europe, I shall not. I am the least chauvinistic of human beings; I am one of the few Americans who have never thought that an American was superior to anybody else. I know better. I know that, within certain broad lines of racial denomination, wherever the white race lives its representatives are about the same.

I have no racial objection to these people. The Poles, the Magyars, are in every sense racially my equals and the equals of my people, but the ignorant man, whatever his race, coming to a country where he is not governed but becomes a part of the governing force, is dangerous. It is almost equally dangerous to attempt to cure the trouble by an educational qualification for the suffrage, leaving a vast number of people outside of the suffrage ranks—nonvoters—as an element discontented and semirebellious.

The Senator from New York [Mr. O'GORMAN] says our country was once the home of the oppressed of the whole world. So it was, and that is the very point now. It is not the oppressed who are coming to us. It is not the man seeking liberty for himself and a free country for his children.

The man who is coming here now comes for the purpose of beating down the price and the standard of American labor. The price of labor is fixed by the demand and the supply. Upon the one side the number of people with dollars, willing and able to hire labor; upon the other side the number of men seeking to be hired; these are the two sides of the equation which fixes the price of labor.

From the other side of the Chamber we have heard much about the protection of American labor from the products of the pauper labor of Europe. I have always said that if there had been any sincerity in the reason given for advocating the protection policy advocated upon the other side its advocates would have gone to the source of the evil for the purpose of protecting American labor directly from the direct competition in America of incoming pauper labor.

Although you can not say that illiterate labor is necessarily pauper labor or that pauper labor is necessarily illiterate labor, in nine times out of ten it is true. The man is made unskilled; he is made in a sense a pauper laborer by his ignorance. His ignorance is not his fault. I have the highest degree of sympathy for him; but I also have some degree of sympathy for the American laboring man, already here; and the class of them that most needs protection from this illiterate, densely ignorant class, who must take the first job they can get at any price they can get it for, is not our native American population. It is the Poles and Magyars and Croatians and Russians, and so forth, already here, working in mines and factories and receiving these minimum American wages. It is their wages that are first beaten down. Just as they drove the Americans out of those works, so these newcomers drive them out little by little by smaller and smaller wages.

Is there anything in the constant cry on both sides about trying to raise or maintain the standard of wages of the American laboring man? Do you mean it or do you not? Of course, I know that very frequently you do not. You have other and ulterior motives in mind. But for those who do mean it the right place to stop competition is where it becomes direct, right here at our homes. Make a scarcity of laborers of the unskilled class in proportion to the demand for labor, and wages will go up in any community as surely as wheat goes up in price with a scarcity of wheat.

So much for the aspect of this question from the laborers' standpoint.

No analogy can be drawn between our condition now and our condition 40 or 50 years ago whereupon to predicate any conclusion as to the inadvisability of exclusion of immigration now because we did not exclude it formerly. The old immigrant who came to the United States found a homestead to settle upon, and he went out by himself or with his family where his neighbors were Americans, and he soon necessarily acquired the language; he soon acquired a certain degree of familiarity with the institutions of the country and a certain degree of knowledge of them. Now what does he do? He herds, he literally herds like cattle in the great cities, and he has no more knowledge of American institutions than if he were herding in Vienna or Berlin—not as much as if he was herding in Vienna or Berlin—no more than if he was herding in Budapest or Moscow or upon some place on the coast of Asia Minor.

Then there is another thing. It is true that education is not all gotten from books. Nor is culture. The most perfect gentleman I ever knew in my life could not write a word, except to sign his name. I frequently said he was also one of the wisest men from a citizenship standpoint I ever knew. He was. But when you come to the consideration of the knowledge that men have as to how to govern a country there is a school far superior to the schools wherein instruction is given from the books. The

old immigrants who came to us came principally from England and Ireland and Scotland and Wales, Switzerland, and countries of that sort—Scandinavians and Germans—and although some of the Scandinavians and most of the Germans never had a republican form of government, nor even a free representative government, in the sense in which we speak of it in England and here, they were the people of all Europe who possessed in the highest degree, and do now, personal liberty, and cherish it.

Mr. NELSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Minnesota?

Mr. WILLIAMS. I yield.

Mr. NELSON. I want to correct one statement that the Senator made with reference to the political institutions of the Scandinavian countries.

Mr. WILLIAMS. I ought to have excepted Norway and perhaps Sweden.

Mr. NELSON. They have as free institutions as there are in America.

Mr. WILLIAMS. Yes.

Mr. NELSON. And have had for years.

Mr. WILLIAMS. Yes.

Mr. NELSON. They have had democratic institutions for years.

Mr. WILLIAMS. They are the most democratic countries in Europe. That is true. And they have been for years.

If you were to take an illiterate man who came from Norway, England, Scotland, or Ireland he would not necessarily be an ignorant man, because he has attended this great school of the common people in free countries. What is that school? In our own country it is the school of jury service; it is the school of public discussion of political and social matters, where all matters can be and are discussed. It is the school of talking about and participating in elections, where men learn from one another.

I heard old Prof. Holmes once state that William Preston once said to him that although the percentage of illiteracy was comparatively high—higher than it ought to have been—in South Carolina before the war, they were yet the most perfectly educated people politically that ever existed outside of ancient Athens. This, he said, was owing to the habit of having discussion of public questions whenever the county courts and whenever the circuit courts met and whenever barbecues and picnics were held in the summer time. So that there was not a man in South Carolina who could not comprehendingly go through all that metaphysical disquisition of John Caldwell Calhoun on State rights, nullification, and the tariff, and all that. But when you come to a people who have had no participation in government, they have missed this great unbooked school for the education of the people.

I believe you could take 10,000 illiterate Mississippians, or Englishmen, or Missourians, or men from Massachusetts, or men from Oregon, or Scotland, or Ireland, or Norway, and shipwreck them upon a distant island, and they would at once give themselves a tolerably good government, at least protecting life, limb, and property, and the right of one man to one wife; and I believe if you were to take the same number of highly educated people who have never been accustomed to some sort of free institutions in their own land and put them there they could not organize a government that would be in any sense free and just. They would at first have chaos or else the rule of the strongest.

Now, then, the ignorant man coming from a country of despotic institutions is the most dangerous thing possible to enter into the body politic and to become an aspirant for entrance into the soul politic of a people with a long line of free traditions behind them and a longer line of free ideals in front of them, toward which they are working all the time.

As for myself, I shall not be deflected from my duty to the people who are in America, and who have a right to be here, by any fear of political punishment from those who insist that people who are not here and who would be dangerous to us if they came shall nevertheless be permitted to come. Now, after all, the native American has some rights. Of course, he has not many, but he has some few. Fred Talbot used to tell a story about a convention held in some town. Somebody got up after a while and said, "Mr. Chairman, I want to nominate for alderman in the first ward the great German-American citizen, Mr. Fritz Heffner." Fritz Heffner was nominated. Somebody else said, "Mr. Chairman, I want to put in nomination for alderman in the second ward Mr. O'Kelley." Mr. O'Kelley was nominated. Then somebody got up and said, "Mr. Chairman, it affords me ze great plaisir to put in nomination for alderman in the third ward Mr. Jean Croie, a prominent French-American." Another man got up and said, "Mr. Chairman, I want to nominate for alderman in the fourth ward Mr. John Smith. I am sorry I can not say he is an Irish-American or a German-American or a Swiss-American or an Italian-American. He

would have been if he could have been, but it is his misfortune to have been born here, and it is his misfortune that his grandfather and his father even were born here." Then somebody with a foreign accent hollered out from the back benches, "The know-nothing son of a sea cook, put him out!"

The old conditions were not like those now existing. Men could go out and rear their families on the farm. They are not doing it now; and when a man in those days went on a farm he was not competing directly with anybody, nor did he herd solely or frequently at all with anyone else of his old nation and language. Therefore, he did not form a part of an aggregated mass of ignorance, even if he himself was ignorant. There was not a body of ignorance of which he was part that formed the essence and spirit of the community by which he was immediately environed. The controlling spirit of the community was not his old-world spirit or ideas or ideals. That happens now, and we owe something to ourselves; we owe something to our children. We must not further permit this.

I was not astonished at all this morning, Mr. President, when the Senator from New Jersey said what he did; I know him so well. He is of sentiment and of big heartedness all compact; and if you will indicate to me upon any great public question on which side generous sentiment lies, self-sacrificing in appearance, at any rate, and in his own mind in reality, I will indicate the side upon which my friend the Senator from New Jersey will fall. I like that spirit in one's individual capacity, but it will not do as a spirit to be exercised in a legislative capacity. I admire the man who will cut off his right arm to help a friend, but I see no particularly great virtue in the man who will consent that the right arms of all his wife's relatives shall be sacrificed for his friend. The sacrifice, confined to the Senator himself, would be all right; but when it is the sacrifice of the entire people of the United States, their ideals and their traditions, I think generosity to the foreigner has gone too far.

My friend, the Senator from New York [Mr. O'GORMAN] says there ought to be "a qualification of character" but not of intelligence. Oh, would to God there was some way whereby qualification for character could be defined and established! But how in the name of common sense could anybody write into a statute a qualification of character?

Mr. STONE. This bill writes it in.

Mr. WILLIAMS. This bill does not, because it can not; but this bill does assume, everything else being equal, that a man's capacity for good is increased by information and knowledge, out of which may grow wisdom, and that his capacity for evil is not lessened by his ignorance. You can approximate a qualification of character by making a qualification of information, but you can not reach it.

The wisest man in the world may be the meanest, and some of the best men in the world may be very ignorant, but, as a rule, everything else being equal, a man is a better man for every ounce of additional knowledge and wisdom he possesses. Wisdom is light; ignorance is darkness; and just in proportion as a man is in the light he has the capacity of seeing to do things in the light that are well to be done for himself and for his fellows, and just in proportion as he is in darkness he gropes helplessly, no matter what his intentions may be.

I do not see any other way; I do not see any other practical test whereby to eliminate the comparatively unfit from the comparatively fit. I acknowledge that a literacy test does not mathematically and altogether demark the unfit from the fit, but I do say that it is the nearest approximation to an accurate line of demarcation that you can prescribe and write in words and letters into a statute that men may be comprehendingly guided by.

If I had any way of determining how much better one man was than another, how much more nearly honest one man was than another, how much truer and more loyal to principle one man was than another, how much more unselfish one man was than another, how much more courageous one man was than another—if I had any way of ascertaining all that, I should gladly write it into a statute and let the literacy and all other tests go to the winds.

But what foolishness it is to talk to lawmakers about writing a character test in words and letters into a statute. How shall it be done? I can write a physical test, that the man must not be diseased; I can write a political test, a social test, that he must not be an anarchist, that he must not be an enemy of organized government; I can write an intellectual test, that he must be able to read and write in some language, so that he is not shut off from communication with current printed thought; but I can not write a character test. There is nobody but God who can look into a man's heart and tell what his character is.

I might be able to write a reputation test, if I could bring over the man's whole neighborhood in order to have them bear witness to what his reputation was. But all of us are standing

demonstrations of the fact that reputation and character do not always go together.

I have heard much about this thing of admitting or refusing to admit men "on their character" and not on their information. If any man is wise enough to tell me how to prescribe a character test, then, in my opinion, he is a wiser man—mere man—than ever lived on the surface of this earth. "The outward and visible signs of an inward and spiritual grace" or of character is a thing I defy any legislator to write into a statute, and when you go beyond that and want to write "the inward and spiritual grace" or character itself, there is nobody in the world who can write it except God, and He has been too merciful to mankind thus far to do it.

Now one word. Down South our people have been prevented thus far from trying to solve a great problem, which they could solve probably by bringing in members of the Caucasian race. But they were afraid to take the risk of bringing down a densely ignorant people, even though Caucasian, over 50 per cent of whom are not capable of reading and writing—a larger percentage of illiteracy than exists among the negroes of the State of Mississippi, considerably larger.

Mr. President, I hope the amendment will be defeated by Senators voting nay, and that the literacy test will remain in the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. STONE. I ask the Senator from Massachusetts to agree to let this measure go over until to-morrow, with the understanding that a vote shall be taken on all amendments and the bill during the legislative day.

Mr. LODGE. The calendar day.

Mr. STONE. The calendar day.

Mr. LODGE. I am perfectly willing to agree to that—that the vote shall be taken before adjournment on that calendar day.

Mr. STONE. That is, to-morrow.

The VICE PRESIDENT. The Senator from Missouri asks unanimous consent that the unfinished business be laid aside.

Mr. BACON. Before it is laid aside, there is a very small matter to which I desire to call attention, and I do so now because I may not be present to call attention to it later. I think it is a grammatical error. I call the attention of the Senator from Massachusetts to it, because if the bill is to be laid aside by unanimous consent I may not be able later to call attention to it.

The VICE PRESIDENT. Will the Senator from Massachusetts give his attention to the Senator from Georgia?

Mr. BACON. I simply want to call attention, as the matter is about to be laid aside and I may not be present, to what I think is a grammatical error. On line 20, page 7, the word "are" should be "is."

Mr. LODGE. Yes; that is a grammatical error.

Mr. BACON. It reads:

Whether said father or grandfather or son are able to read and write or not.

Mr. LODGE. That is obviously a grammatical error, and I ask unanimous consent that it may be corrected.

The VICE PRESIDENT. In the absence of objection, it will be so ordered.

The Senator from Missouri asks unanimous consent that the bill be now laid aside, to be taken up immediately after the morning business to-morrow, and that before adjournment upon the calendar day to-morrow the bill, including all amendments offered or to be offered, be proceeded with to its final disposition. Is there objection? The Chair hears none, and the order is entered.

Mr. POMERENE. I want to call the attention of the Senator from Massachusetts to section 7. It is intended to prohibit transportation companies from soliciting or inviting or encouraging foreigners to emigrate.

Mr. LODGE. That is the intention.

Mr. POMERENE. It has seemed to me, from the reading of the section, that is somewhat indefinite, and I wish to suggest this amendment:

On page 14, line 14, strike out the word "or"; in line 15 strike out the word "and" and insert therefor the word "or"; and after the word "others," in line 15, insert a comma.

The VICE PRESIDENT. By unanimous consent of the Senate the bill has just been laid aside until to-morrow.

Mr. LODGE. If there is no objection, I am perfectly willing to accept the amendment. I do not think there will be any objection to it. I think it words it a little better than it is worded now. The purpose is to make it unlawful for anyone engaged in the work or business of transportation to do certain things afterwards described, and owing to the wording, "partnership or corporations," which was to distinguish between a partnership and a corporation, it reads a little as if they were divided from the rest; the "others" separates it from the rest, and it does

not make it clear that it means only those in transportation. But that can be done to-morrow.

The VICE PRESIDENT. The Senate having just agreed by unanimous consent to lay the bill aside—

Mr. WILLIAMS. Does that necessarily prevent notice of amendments to be offered?

The VICE PRESIDENT. Oh, no.

Mr. LODGE. Certainly not.

Mr. WILLIAMS. Then I should like to give notice of a couple of amendments I propose to offer at the proper time. I ask the Clerk to take them down. In line 3, page 5, I wish to move to strike out the word "two" and substitute "one." It reads, "two or more attacks of insanity." I do not see why we need more than one to convince us that a man is unfit.

Mr. LODGE. We do not.

Mr. WILLIAMS. I wish to move to strike that out.

On page 8, line 9, after the words "persons of Chinese descent," I wish to insert the words "or persons of African descent, whether from Africa or the West Indies, except Porto Rico."

In another portion of the bill, line 11, page 18, after the word "descent," I wish to move to insert the words "or of African descent, whether from Africa or the West Indies, except Porto Rico."

I shall not say anything about these amendments now, except that the negro immigration into the United States from the West Indies is growing very much. Cotton and sugar planters from self-interest may want to make it much larger. I want to stop it before it becomes more dangerous.

IRRIGATION DITCH ON ISLAND OF HAWAII.

Mr. CLAPP. Unless the Senate is going on with the calendar I should like to ask unanimous consent for the present consideration of the bill (H. R. 11628) authorizing John T. McCrosson and associates to construct an irrigation ditch on the island of Hawaii, Territory of Hawaii.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pacific Islands and Porto Rico with an amendment.

The VICE PRESIDENT. The amendment of the committee will be stated.

The SECRETARY. In section 15, page 9, line 16, after the word "semiannual," insert the following proviso:

Provided, however, That the aggregate of such bonds at par value shall not exceed the actual cost of construction of the ditch and other plant and appurtenances: *And provided further,* That the total issue of such bonds shall not be in excess of \$3,500,000.

The amendment was agreed to.

Mr. CLAPP. I offer the following amendment to come in on page 10.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. Strike out lines 1 to 4, inclusive, on page 10, and insert in lieu thereof the following:

Fourth. Dividends at a rate not to exceed 8 per cent on the capital stock of said ditch company, which stock is hereby limited to the actual cost of said ditch and other plant and appurtenances, not to exceed \$3,500,000 par value.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. POINDEXTER. Mr. President, I notice that by the amendment which the Senator from Minnesota just offered the capital stock is limited to \$3,500,000, the actual cost of the ditch.

Mr. CLAPP. The Senator will remember that we agreed in the committee to limit the bill, but the chairman of the committee, in reporting the bill, failed to put in the proper limitation as to the stock. The amendment which I have just offered relates to the stock. The committee amendment on page 9 relates to the bonds.

Mr. POINDEXTER. The stock equals the cost of the ditch?

Mr. CLAPP. Not to exceed \$3,500,000 par value.

Mr. POINDEXTER. Then the bonds are not to exceed the cost of the ditch?

Mr. CLAPP. Yes.

Mr. POINDEXTER. If the ditch is constructed with the amount of money raised on the stock, what is the occasion for fixing the amount of bonds at the cost of the ditch?

Mr. CLAPP. That matter was considered by the committee. It is recognized by all that in order to get private capital to build this ditch the opportunity should be given to duplicate the actual cost in the totalization of bonds and stock. That was thoroughly understood. Unless that can be done, from all the data the committee had, the charter might as well not be passed.

Mr. POINDEXTER. Is the Senator of opinion that the surplus money, I suppose for promotion, is placed at too large a figure in the bill, equal to the entire cost of the enterprise?

Mr. CLAPP. The committee, of course, had to take the statement of those who were before it. The Delegate representing the islands favors this proposition, and the committee were of the opinion, from all that appeared before it, that if this enterprise was to be initiated it would be necessary to give them this opportunity. I want it thoroughly understood that, of course, the bill provides for the totalization of the capital and stock at \$7,000,000.

Mr. POINDEXTER. The cost of the enterprise would be just one-half?

Mr. CLAPP. Yes, sir; just one-half that amount.

Mr. POINDEXTER. Mr. President, I should like further time to look into this measure. For that reason I object to its consideration.

The VICE PRESIDENT. Objection is made.

EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION.

Mr. SUTHERLAND. I move that the Senate proceed to the consideration of the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Utah.

Mr. BACON. Mr. President—

Mr. LODGE. The motion is not debatable.

Mr. BACON. I wish to ask a question. Does the Senator from Utah propose to take up the bill and make it the unfinished business?

Mr. SUTHERLAND. I can not make it the unfinished business. There is already a bill on the calendar that is the unfinished business.

Mr. BACON. But if the Senator makes a motion and it is carried by the Senate it displaces that bill.

Mr. SUTHERLAND. I think not, when that bill was laid aside by unanimous consent.

Mr. BACON. If this bill is taken up and made the unfinished business, it undoubtedly displaces it.

Mr. LODGE. Mr. President, I rise to a question of order.

The VICE PRESIDENT. The Senator will state it.

Mr. LODGE. A motion has been made to take up the compensation act. I do not understand that that displaces the unfinished business, because the unfinished business has already been laid aside by unanimous consent.

The VICE PRESIDENT. It was temporarily laid aside. The Chair sees no way by which there can be anything else made the unfinished business to-day. The question is on agreeing to the motion made by the Senator from Utah.

Mr. BACON. I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BACON. I understood from the ruling of the Chair the Chair would rule that it would not be in order now to make Senate bill 5382 the unfinished business.

The VICE PRESIDENT. It would not make it the unfinished business to take it up now for consideration, is what the Chair intended to rule.

Mr. BACON. If the Chair rules that, I am content.

The VICE PRESIDENT. The Chair so rules.

Mr. BACON. But I want to say, in order that it may not be considered as a precedent, without a difference of opinion upon it, that it is an anomalous situation. I am very frank to confess that I do not think this precise question was ever before presented to the Senate where a bill was temporarily laid aside. The fact that a bill has been temporarily laid aside does not change the status of its being the unfinished business.

The VICE PRESIDENT. That is precisely what the Chair rules.

Mr. BACON. Very well. What I mean to say is that the effect of taking up a measure is to displace any other measure which may be the unfinished business.

Mr. LODGE. Not if the unfinished business has been temporarily laid aside.

The VICE PRESIDENT. The Chair thinks not under circumstances such as exist now.

Mr. LODGE. Not if it has been laid aside by unanimous consent.

The VICE PRESIDENT. It was simply temporarily laid aside, and the Chair thinks that that does not displace its right to continue as the unfinished business. Then, if something else is taken up, whether it is definitely disposed of before adjournment or not, the Chair thinks that automatically the other unfinished business would still be the unfinished business.

Mr. BACON. I make this suggestion to the Chair: I do not for a moment take issue with the proposition that the Senate can proceed to the consideration of another matter in the interval. I think that is evidently and necessarily true. But I do not think the motion ought to be made in the shape in which it is unless it was intended to displace the unfinished business. I think if the Senator would make a motion to take up the compensation bill temporarily for this afternoon it would be all right, but the motion to proceed to the consideration of business is a motion well known in the Senate, under unbroken precedents, as a motion which displaces other matter and makes that business the unfinished business. It is not with reference to the fact that the bill will be considered this afternoon that I am addressing the Chair, because I have no objection to that. It is only in the interest of what I consider to be correct procedure that I insist a motion to proceed to the consideration of another bill should not be made when there is on the calendar business which is unfinished.

Mr. LODGE. Mr. President, if I may make a single suggestion in this connection, if the motion to take up a bill for consideration displaces the unfinished business, it, of course, substitutes the bill which it is moved to take up, but you can not displace that which is not before the Senate. There is now a vacant space, and the motion of the Senator from Utah merely comes in, and then the bill goes back automatically to the calendar.

Mr. SIMMONS. Mr. President, I desire to make a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. SIMMONS. If the motion of the Senator from Utah should prevail, what will be the status of this particular bill after to-day?

The VICE PRESIDENT. It would have no different status from what it had before the motion was carried.

Mr. LODGE. It goes back to the calendar.

Mr. SIMMONS. It goes back to the calendar?

The VICE PRESIDENT. Certainly.

Mr. BACON. In this connection I want to say there is no rule to be found in the book, and I do not believe that a precedent can be found to the same effect. It may be true that it may be otherwise as to the latter. I only make the suggestion, to prevent complication, that the Senator modify his motion and accomplish his purpose the same, that the Senate for the afternoon will take up for consideration this bill, because I think a motion to proceed to the consideration of a certain bill is a motion well recognized in the Senate, and the effect of it has been so universally recognized that we ought not to complicate it by an exception. The motion ought to be retained as one having a distinct and significant purpose.

Mr. SMOOT and Mr. SUTHERLAND addressed the Chair.

The VICE PRESIDENT. Does the Senator from Georgia yield to the senior Senator from Utah?

Mr. BACON. I do.

Mr. SMOOT. I agree with the Senator from Georgia as to his statement, provided we had not already had unfinished business up for consideration. If the motion made by the junior Senator from Utah had been made without the unanimous consent of the Senate laying the unfinished business aside, then the position of the Senator from Georgia would be absolutely correct. But we had it up for discussion, it has been before the Senate, and by unanimous consent of the Senate it was temporarily laid aside.

Mr. BACON. When it is temporarily laid aside it is nevertheless still the unfinished business of the Senate.

Mr. SMOOT. That is true, but it can not be displaced that day by another motion of the Senate, after it had been temporarily laid aside by the Senate.

Mr. BACON. That is exactly the question at issue; it is whether it can be displaced or not.

Mr. SMOOT. I understand that is the issue. I know it has been done in the Senate many times.

Mr. BACON. I want to say to the Senator, if it has ever been done I have never known it to have been done. Of course a great many things have happened that I have not had called specially to my attention; but if that distinct motion has ever been made while a certain matter is the unfinished business it escaped my attention at the time, because I certainly would have had the same criticism to make upon it then I make now.

I will repeat, I am not taking this position in any spirit of opposition to the purpose the Senator from Utah has in view. I am simply trying to preserve what I conceive to be the proper procedure of the Senate.

Mr. SUTHERLAND. Mr. President, I simply want to make a single observation. If the position of the Senator from Georgia were correct, then, after the unfinished business had

been temporarily laid aside, the Senate would be unable to do any business except by unanimous consent.

Mr. BACON. Oh, not at all.

Mr. SUTHERLAND. Certainly no such result as that ought to have been contemplated.

Mr. BACON. I think the Senator is in error in that. For instance, if the Senator were to ask for unanimous consent that we should proceed to the consideration of this bill, that would be one way, or if we had the calendar up, which is always in order when the Senate is not otherwise occupied, that would be still another way. There are many ways in which the consideration of a bill can be reached when the Senate desires to reach it.

Mr. SUTHERLAND. Let me ask the Senator from Georgia a question right there. Suppose I should ask unanimous consent—

Mr. BACON. There is so much conversation that I can not hear the Senator.

Mr. SUTHERLAND. Suppose I should ask unanimous consent and some Senator should object, then would the Senator say that I was powerless to move that the bill be taken up?

Mr. BACON. I did not catch what the Senator said. There is so much talking going on I really could not hear what the Senator said.

Mr. SUTHERLAND. I say—

The VICE PRESIDENT. Will the Senator please be in order. The Senator will wait a moment. The Senator from Georgia has twice asked that Senators refrain from conversation so that he can hear and be heard. Will Senators please comply with the request of a fellow Senator?

Mr. SUTHERLAND. This is the question I submitted to the Senator from Georgia. Suppose we took up the calendar, as he suggested, and I had asked unanimous consent to proceed with the consideration of this bill and some Senator objected, would the Senator say then that I could not move to take it up notwithstanding the objection?

Mr. BACON. Certainly not, because that is provided for specifically by the rule.

Mr. SUTHERLAND. Then the result would follow, I suggested, that we could do nothing except by unanimous consent.

Mr. BACON. Not at all, for the reason stated by me; that the particular form of question adopted by the Senator is a form of question recognized in the Senate as having a specific office to perform, and one which performs the office of making a certain matter the unfinished business. That is the reason why I make the objection. It is because the particular motion that the Senate will proceed to the consideration of a certain measure is one of the most drastic motions that can be made in the Senate, one which is sometimes used upon very momentous occasions for the purpose of accomplishing a most radical result; and I did not wish that that practice of the Senate and that understanding of the meaning of that question should be complicated by exceptions in any way.

I think there is no trouble whatever about getting up the bill. I simply objected to the Senator making a motion which has that particular signification and which has so universally had recognition on the part of the Senate that it makes the matter thus called up the unfinished business.

The VICE PRESIDENT. The question is on agreeing to the motion made by the Senator from Utah [Mr. SUTHERLAND].

Mr. HEYBURN. Mr. President, I should like to call attention to a precedent in the Sixty-first Congress in regard to the status of unfinished business. A measure pending was the unfinished business. It was temporarily laid aside. I left the Chamber, thinking that that would dispose of it and I might be free to do other things. Some one called for the regular order. It was held that that call was proper and that the unfinished business again recurred.

I made some contest over it, and my recollection now is that the Chair maintained that a call for the regular order would bring back the unfinished business as the matter having precedence notwithstanding it had been laid aside previously on the same day. I raised the question that having been temporarily laid aside on that day it could not be again called up on that day, and the ruling of the Chair was, if my memory serves me correctly—and I think it does—that it might be called up notwithstanding the fact that it had been temporarily laid aside, and I had gone out under the impression that I might leave. I think that states the status of the unfinished business. It is now subject to be called to the attention of the Senate.

The VICE PRESIDENT. The question is on agreeing to the motion offered—

Mr. SMITH of Georgia. Mr. President, I wish to ask the Senator from Utah whether he desires to call up this bill for the purpose of allowing Senators to speak upon it, or whether

he desires to call it up with a view of proceeding to a vote upon any portion of the bill this afternoon?

Mr. SUTHERLAND. I intend to ask to have the bill laid before the Senate so that the Senate may proceed with its consideration. If any Senator is ready to speak upon it, all right; if not, I shall ask to have the bill read and that its consideration be proceeded with.

Mr. SMITH of Georgia. I call for the regular order.

Mr. SUTHERLAND. This is the regular order, Mr. President.

The VICE PRESIDENT. The Chair so understands.

Mr. SMITH of Georgia. I call for the regular order. My understanding it that that brings up the calendar.

The VICE PRESIDENT. The regular order is the motion of the Senator from Utah, that the Senate now proceed to the consideration of the bill, that motion having been made, and it is not debatable, although there has been much debate upon it, seemingly by unanimous consent. The question is on the motion of the Senator from Utah. [Putting the question.] The "ayes" appear to have it.

Mr. SMITH of Georgia. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Georgia suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	du Pont	Overman	Smith, S. C.
Bacon	Fall	Page	Smoot
Borah	Fletcher	Penrose	Stephenson
Bourne	Gallinger	Percy	Sutherland
Bristow	Gronna	Perkins	Swanson
Brown	Heyburn	Polindexter	Townsend
Bryan	Johnson, Me.	Pomerene	Warren
Burnham	Jones	Rayner	Watson
Burton	Lodge	Root	Wetmore
Catron	Martine, N. J.	Shively	Williams
Clapp	Myers	Simmons	Works
Clark, Wyo.	Nixon	Smith, Ariz.	
Cummins	O'Gorman	Smith, Ga.	
Curtis	Oliver	Smith, Md.	

Mr. SWANSON. My colleague [Mr. MARTIN of Virginia] is detained from the Senate on account of sickness. I will make that announcement for the day.

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is out of the city on business of the Senate.

The VICE PRESIDENT. Fifty-three Senators have answered to the roll call. A quorum of the Senate is present. The question is on the motion of the Senator from Utah. [Putting the question.] The "ayes" appear to have it.

Mr. SMITH of Georgia. I ask for a division.

The question being put, there were, on a division—ayes 38, noes 2.

The VICE PRESIDENT. The motion is agreed to.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce or in the District of Columbia, and for other purposes.

Mr. SUTHERLAND. Mr. President, the Senate has already consented that the formal reading of the bill be dispensed with. I ask that the bill be now read for committee amendments.

The VICE PRESIDENT. Without objection, the bill will be read for committee amendments.

Mr. SMITH of Georgia. I ask for the reading of the bill.

The VICE PRESIDENT. The formal reading of the bill has already been dispensed with by unanimous consent on a former day.

Mr. OVERMAN. I understand that the bill should be read section by section.

The VICE PRESIDENT. Certainly; that is what the Secretary was about to do—to read the bill for committee amendments.

Mr. CULBERSON. I do not understand that the reading had been dispensed with.

The VICE PRESIDENT. The Secretary has advised the Chair that on a former day when the bill was up for consideration the Senate agreed to dispense with the formal reading of the bill as in Committee of the Whole and decided that the bill should be read for committee amendments.

Mr. BACON. Mr. President, the fact that the Senate dispensed with the reading on that occasion does not amount to unanimous consent; it simply meant that at that time the Senate did not require it. It is not a unanimous-consent agreement of a character so sacred that it could not be changed.

The VICE PRESIDENT. The Secretary was about to read the bill. Does the Senator desire the bill read through before any amendments are offered?

Mr. BACON. I understand my colleague desires that.

Mr. SMITH of Georgia. I do, Mr. President, if I have a right to ask, desire that the bill be read through before that is done.

The VICE PRESIDENT. The Chair thinks, when the Senate has once dispensed with the formal reading of the bill as in Committee of the Whole, that it is dispensed with.

Mr. BACON. Why, Mr. President, each meeting of the Senate, as in Committee of the Whole, is a separate and independent proceeding. That was simply a method agreed to by the committee at that time for its procedure upon that occasion. That order was not carried into effect; the Senate did not proceed to have the bill read for committee amendments. On the contrary, the discussion proceeded. The bill never has been read for amendment or read for any other purpose.

The VICE PRESIDENT. It has not been read for amendment, but it is about to be read for amendment now.

Mr. BACON. Yes; but, Mr. President, the point I make is that under the rules of the Senate the bill will have to be read. The fact that the Senate, when it proceeded heretofore to the consideration of this bill, did not then require it to be read, does not deprive a Senator of his right, or the Senate of its right to have the bill read under the rules, whenever such reading is called for.

The VICE PRESIDENT. Without objection, the Secretary will proceed with the reading of the bill.

Mr. GALLINGER. Mr. President, before that is done I want to enter an objection to the position the Senator from Georgia has taken. When the Senate has agreed that the formal reading of a bill shall be dispensed with it seems to me that that settles the matter, and that then the bill is to be read section by section for amendment. If the Chair rules differently, of course I shall be satisfied; but it seems to me as though that is a precedent that we ought not to establish, for I have never known an instance where, the formal reading having been dispensed with, it has ever been insisted upon afterwards.

Mr. LODGE. It is a unanimous consent.

The VICE PRESIDENT. The Chair did not otherwise rule; but the Chair has asked unanimous consent that the bill now be read to avoid any such ruling, so that no precedent may be established one way or the other. The Chair announced that, without objection, the Secretary would read the bill.

Mr. BACON. Mr. President, I do not wish to be misunderstood. I do not claim for a moment that if there had been a request submitted to the Senate that by unanimous consent the formal reading of the bill be dispensed with it would not have been binding; but the position I take is simply this—and I only state it in order that I may not be misunderstood—that where in Committee of the Whole there is a proposition that a bill be proceeded with and be read section by section for the purpose of amendment, there being no formal consent, which is a sacred thing in the Senate, that does not amount to the dignity of a consent agreement. It was simply dispensing at that time with what the Senate could require or not require, as it saw fit. It can require it at any time. Mr. President, the rule is that a bill shall be read three times in the Senate.

The VICE PRESIDENT. But not in Committee of the Whole, if the Chair may interrupt the Senator.

Mr. BACON. Well, Mr. President, we do not have in this Chamber the same formal distinction between the Committee of the Whole and the Senate that in other parliamentary bodies they have between the committee of the whole and the body at large. In other bodies there is a distinct organization of the committee of the whole. The presiding officer leaves the chair and the body does in fact, as well as nominally, organize itself as a committee of the whole. The rules which obtain in the Committee of the Whole in the House of Representatives, for instance, do not obtain here. I have never served in the other House, but, if my impression is correct, they do not call the yeas and nays in Committee of the Whole in that House. Am I correct in that?

Mr. LODGE. Absolutely.

Mr. BACON. Well, we do here, and the two things are not analogous at all; they are entirely different. The same rules of procedure in the Senate which apply when the Senate is sitting as the Senate, apply to the body when sitting as in Committee of the Whole. There is no distinction that I have ever known as to the application of a single rule. It is altogether different in the other House from what it is here.

Mr. LODGE. Mr. President—

Mr. BACON. I will yield to the Senator if he so desires.

Mr. LODGE. I did not desire the Senator to yield at all.

Mr. BACON. The Senator kept on addressing the Chair.

Mr. LODGE. I thought the Senator had concluded.

Mr. BACON. I was in full headway and current, and the Senator kept on addressing the Chair. I will yield to him with the greatest pleasure if he so desires.

Mr. CLARK of Wyoming. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. BACON. I yield to the Senator from Wyoming.

Mr. CLARK of Wyoming. I desire to ask the Senator from Georgia a question. I was not present at the time, but is it or is it not a fact that the formal reading of the bill was formally dispensed with by unanimous consent at a previous meeting of the Senate?

Mr. BACON. That is exactly the point—

Mr. CLARK of Wyoming. My understanding is that the formal request was made that the formal reading of the bill be dispensed with.

Mr. BACON. I have expressed myself upon that matter; but I will repeat that I do not think there was ever any suggestion that there should be unanimous consent for that purpose.

Mr. CLARK of Wyoming. That is the question of fact to which my inquiry was directed. I understand it differently from the Senator, and I should like to know what the fact is.

Mr. BACON. Very well. I had endeavored to state what my understanding of the fact was, and that is this—

Mr. SUTHERLAND. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. BACON. I yield to the Senator from Utah.

Mr. SUTHERLAND. Mr. President, I distinctly and formally asked unanimous consent that the formal reading of the bill be dispensed with, and the Record will show that fact.

Mr. BACON. If the Record shows that, then I am in error; but the point I make, Mr. President, is that in the ordinary procedure where an informal statement is made that the formal reading of a bill will be dispensed with, it does not rise to the dignity and has not the effect of a unanimous-consent agreement, because a unanimous-consent agreement in the Senate is something most carefully guarded. If, however, the Senator made his request in that way, I grant it is a unanimous-consent agreement and is binding through the entire proceeding on the bill; but if the Senator simply moved that it be dispensed with, that is another matter altogether.

The VICE PRESIDENT. The Chair had been proceeding upon the assumption that it was a fact, as stated to him by the Secretary, that the formal reading had been dispensed with by order of the Senate, by unanimous consent, and the Journal clerk advises the Chair that the Journal so shows.

Mr. BACON. That it was by unanimous consent?

The VICE PRESIDENT. Yes.

Mr. BACON. Very well. If so, it is binding; but if it was simply an order of the Senate it is not binding, except upon that session of the Senate.

The VICE PRESIDENT. Is there objection to the Secretary reading the bill in full now?

Mr. WATSON. I object.

The VICE PRESIDENT. Objection is made, and the Secretary will therefore read the bill for amendment, the committee amendments, without objection, to be first considered.

Mr. SMITH of Georgia. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Georgia suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Nixon	Simmons
Bacon	Dillingham	O'Gorman	Smith, Ariz.
Bristow	du Pont	Oliver	Smith, Ga.
Brown	Fall	Overman	Smoot
Bryan	Fletcher	Page	Stephenson
Burnham	Foster	Penrose	Sutherland
Burton	Gallinger	Percy	Swanson
Catron	Gronna	Perkins	Warren
Chamberlain	Heyburn	Poindexter	Watson
Clapp	Johnson, Me.	Pomerene	Williams
Clark, Wyo.	Jones	Rayner	Works
Culberson	Lodge	Root	
Cullom	Martine, N. J.	Sanders	
Cummins	Myers	Shively	

The VICE PRESIDENT. Fifty-three Senators have answered to the roll call. A quorum of the Senate is present. The Secretary will proceed with the reading of the bill.

Mr. LODGE. Mr. President, the bill is now before the Senate, as I understand.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole.

Mr. LODGE. I desire simply to put into the Record the following quotation from the Record of April 16, page 5092:

Mr. SUTHERLAND. I ask that the formal reading of the bill be dispensed with.

The VICE PRESIDENT. Without objection, the formal reading of the bill will be dispensed with. The Secretary will read the bill for action on the committee amendments.

That is an absolute unanimous-consent agreement, the same as we have on every appropriation bill and the same as is made all the time.

Mr. BACON. Mr. President, I will not continue the discussion; but, as I have said before, a unanimous-consent agreement is something extremely formal and absolutely sacred in the Senate. It is never given by implication; and what the Senator has read amounted to an order of the Senate and not to unanimous consent.

Mr. LODGE. If that is not a unanimous-consent agreement, I do not know what is a unanimous-consent agreement.

Mr. BACON. I differ from the honorable Senator.

The VICE PRESIDENT. The Secretary will proceed with the reading.

Mr. SMITH of Georgia. Mr. President, I desire to say that it is not my wish to waste the time of the Senate, but we are not ready to consider this bill. I have been unable to prepare certain amendments, which I gave notice last Monday I intended to prepare. I was compelled to leave the city immediately after the adjournment of the Senate on that day, and I only was able to return to-day. At that time we had a fixed unfinished business on the calendar. There are Senators who are preparing speeches which they desire to deliver upon this bill. It is one of the more recent bills that have been reported to the Senate, the report to the Senate from the Judiciary Committee having been made only on April 3, two weeks ago. We simply have not had time to prepare the amendments we wish to submit, and Senators who desire to speak upon the subject I know are not present and have not yet completed their preparation for it. I simply feel that, when the effort is made to force this bill upon us with such undue haste, anything that we are compelled to do to give ourselves the time that we want for consideration does not occupy the usual attitude of a purpose to delay, but simply a purpose to delay that we may have the time we wish. By the end of two weeks every Senator, I think, who desires to take any part in this discussion will be ready, and then I for one would be ready to proceed with the discussion and in due form to a conclusion of this measure; but for the present, without my amendments having been prepared, I will simply be compelled almost absolutely to waste the time of the Senate if the measure is pressed.

Mr. SUTHERLAND. Mr. President, as I have stated several times, I have no desire to press this bill unduly; but, as we all know, there are important matters coming before the Senate very soon, large appropriation bills, tariff bills, and matters of that kind, and unless we proceed with the consideration of this measure I fear it may be crowded out. Now, Mr. President, I will ask unanimous consent that on next Thursday, April 25, immediately after the conclusion of the routine morning business, the Senate proceed to the consideration of this bill, and that before adjournment upon that legislative day a vote be taken upon the bill and all amendments then pending or to be offered.

Mr. SMITH of Georgia. That is a week from to-day?

Mr. SUTHERLAND. Yes; one week from to-day.

Mr. SMITH of Georgia. I can not consent to that; the time is not sufficient, but if the Senator will make it two weeks from to-day I will not object.

Mr. SUTHERLAND. Very well, Mr. President, I will make that suggestion.

The VICE PRESIDENT. The Senator from Utah asks unanimous consent that two weeks from to-day, immediately following the disposal of the routine morning business, the bill in question, Senate bill 5382, be taken up by the Senate, and that prior to adjournment upon that legislative day a vote be taken upon all pending amendments and amendments to be offered and upon the bill to its final disposition. Is there objection?

Mr. OVERMAN. Mr. President, will that be subject to a motion to postpone until next December?

Mr. GALLINGER. Of course.

The VICE PRESIDENT. The Chair could not hear the Senator from North Carolina.

Mr. OVERMAN. Will that be subject to a motion to postpone?

The VICE PRESIDENT. "Final disposition," as the Chair understands, means final disposition.

Mr. OVERMAN. That is what I understand by it, but I want to know what is the disposition of the Senate. I have some constituents who want this bill put over until their national convention is held, which will be, I think, on the 20th of May. So far as I am concerned, I am in favor of the principle of this

bill; but, in obedience to the wishes of those people and their desire to get together in their national convention—and they have not held one since this bill has been considered—I should like very much to have it go over until after the 20th of May. I do not like to object to the request, but I do not desire to be put in the position of not making that motion at some time, and I would be precluded from doing so if I agreed to the request for unanimous consent. As I have said, I do not like to object; but I am afraid I am forced to do so, because I want the Senate to consider whether or not some of the testimony that has been taken—

The VICE PRESIDENT. The Chair used the term "final disposition" without the Senator from Utah having used it.

Mr. OVERMAN. That is the reason I raised the point.

The VICE PRESIDENT. The Senator from Utah may have had in mind a disposition which should not be final.

Mr. OVERMAN. That is the reason I raised the point.

The VICE PRESIDENT. The Senator from Utah may prefer to put it in that form.

Mr. OVERMAN. If the Senator from Utah will put it in that form I think it will be agreed to. The Vice President used the word "final," and so I thought I would raise the question, so that I would not be precluded from making the motion.

The VICE PRESIDENT. The Chair would imagine that with the word "final" omitted, simply leaving it "the disposition of the bill," a postponement of action thereon until next December or any other time would be a disposal of it.

Mr. SMITH of Georgia. That would still give us the right at that time to move to postpone to the next session, and we could come to a vote on it, if we saw fit.

Mr. SUTHERLAND. I will include in my request for unanimous consent the further provision that it shall be subject to the right to move to postpone the further consideration of the bill to a day certain.

The VICE PRESIDENT. Add as a proviso to the request, then, as heretofore stated by the Chair, the words "Provided, That a motion shall be in order to either definitely or indefinitely postpone the further consideration of the bill."

Mr. WILLIAMS. To postpone it to a definite day.

Mr. SUTHERLAND. To postpone to a definite day.

The VICE PRESIDENT. To postpone to a definite day further action thereon.

Mr. SUTHERLAND. Yes.

The VICE PRESIDENT. Is there objection to that request? The Chair hears none, and it is therefore ordered.

Mr. SUTHERLAND. A parliamentary inquiry, Mr. President. I suppose that will not prevent the consideration of the bill in the meantime and the disposition of any amendments before the day fixed for the final vote.

The VICE PRESIDENT. The Chair would think that the intent of the Senate was that no amendment should be voted on prior to that day.

Mr. SUTHERLAND. I simply wanted to understand.

The VICE PRESIDENT. That would be the opinion of the Chair.

Mr. SMITH of Georgia. That was my supposition.

SYSTEM OF RURAL COOPERATIVE CREDITS.

Mr. GRONNA. I ask unanimous consent for the present consideration of the joint resolution (S. J. Res. 75) to provide for the appointment of a commission to investigate the operations of cooperative land-mortgage banks and cooperative rural credit unions in other countries.

Mr. CULBERSON. I ask that the joint resolution be read.

The VICE PRESIDENT. The Secretary will read the joint resolution for the information of the Senate.

Mr. OVERMAN. I rise to a parliamentary inquiry. Are we now proceeding by unanimous consent?

The VICE PRESIDENT. That is the intent, and unanimous consent is asked for the present consideration of the joint resolution.

Mr. OVERMAN. I object to that for the present.

The VICE PRESIDENT. Objection is made.

VANCOUVER MILITARY RESERVATION, WASH.

Mr. JONES. I ask unanimous consent to call up the bill (S. 4663) to authorize and empower the Secretary of War to locate a right of way for and to grant the same and the right to operate and maintain a line of railroad, telephone, telegraph, and electric transmission lines through Vancouver Barracks and Military Reservation, in the State of Washington, to Washington-Oregon Corporation, its successors and assigns.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That there is hereby granted to the Washington-Oregon Corporation, a corporation organized under the law of the State of Washington,

under the conditions and restrictions in this act contained, the right to extend, maintain, and operate its electric railway across the Vancouver Military Reservation, in the county of Clarke, in the State of Washington, with the right to construct, maintain, and operate telegraph, telephone, and electric-power transmission lines, the said grant to remain in force during the pleasure of Congress.

Sec. 2. That the works herein authorized shall be constructed upon such location as may be fixed by the Secretary of War, and in such manner, of such character, and with such spurs, switches, and crossings as he may prescribe; and said works shall be maintained and operated subject to such rules and regulations as the Secretary of War or the commander at the said post may from time to time prescribe: *Provided*, That before beginning construction the said corporation shall furnish a bond to the satisfaction of the Secretary of War, conditioned for the completion of the said railroad and other works mentioned herein across said reservation within one year from the approval of said bond by the Secretary of War.

Sec. 3. That any other person or corporation having a franchise for the operation of a street railway in the city of Vancouver, in the State of Washington, including any electric railway as may have authority to do a suburban and interurban business, may, upon obtaining a license from the Secretary of War, use the track and other constructions herein authorized to be placed upon the reservation upon paying just compensation; and if the parties concerned can not agree upon the amount of such compensation, the sum or sums to be paid for said use shall be fixed by the Secretary of War: *Provided*, That if said right of way is located over any land which the public is using, or may hereafter use, as a public highway, the uses herein authorized shall not exclude such public use.

Sec. 4. That if any portion of the said reservation occupied by the works herein authorized shall cease to be used for some one of the purposes aforesaid, the same shall revert to the United States; and the said corporation, its successors or assigns, shall thereupon restore the premises to good condition, as required by the post commander.

Sec. 5. That the said corporation may be required at all times to improve and maintain its tracks and the spaces between them in good condition for traffic in conformity with the streets or public roadway over which they are laid.

Sec. 6. That the Congress reserves the right to alter, amend, or repeal this act.

Mr. JONES. There is a committee amendment to the amendment I desire to present.

The VICE PRESIDENT. The Senator from Washington offers a committee amendment to the amendment, which will be stated.

The SECRETARY. On page 4, line 22, after the word "use," strike out the period and insert a colon and the following:

And provided further, That the said corporation shall surface the said roadway for a width of 24 feet alongside and exclusive of the said railway tracks for the entire distance occupied by said tracks within the reservation with crushed rock of suitable size, the said roadway to be properly oiled and rolled, and shall maintain the same, including the space between the tracks, at all times in good condition for vehicle traffic; shall keep the said track or roadway within the reservation limits properly lighted by satisfactory electric light without expense to the United States; and shall construct and maintain a suitable drainage ditch along said track.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting to the Washington-Oregon Corporation a right for an electric railroad, and for telephone, telegraph, and electric-transmission lines across the Vancouver Military Reservation, in the State of Washington."

HOMESTEADS UPON RECLAMATION PROJECTS.

Mr. BORAH. I ask unanimous consent to call up the bill (S. 5545) providing for the issuing of patent to entrymen for homesteads upon reclamation projects.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE PRESIDENT. The bill has heretofore been read in full, as in Committee of the Whole, and amended.

Mr. SMOOT. I have an amendment to offer to the bill. After the word "act," on page 1, line 11, I move to insert what I send to the desk.

The SECRETARY. On page 1, line 11, after the word "act," insert a colon and the following proviso:

Provided, however, That no patent shall be issued unless at least one-half of the total irrigable area of the entry has been reclaimed for agricultural purposes, and all charges then due to the Government for building, operation, and maintenance, including drainage, have been paid: *Provided further*, That the amounts so paid on account of building charges shall aggregate not less than 40 per cent of the total building charge.

Mr. BORAH. I am not going to interpose an objection to the amendment. But I do want to say, before it is voted upon, that while I am not going to object to it, I do not object largely for the reason that I do not want to jeopardize the passage of the bill. A good many seem to think the amendment is necessary. I do not think the amendment necessary or desirable, but it is not vital and I shall not urge action one way or the other, but with this single suggestion, permit the Senate to vote.

Mr. SMOOT. I wish to say to the Senator from Idaho that I have as much interest in the bill's passing as he, and would

do nothing to jeopardize it. The amendment simply provides for the reclaiming of one-half of the agricultural lands in the entry upon the reclamation project, as the law provides now, and of course hereafter, under the bill, the entries under the reclamation project will be made the same as all homestead entries. We have the three-year homestead bill before the conferees of the two Houses, and in the bill as it passed the House there is no cultivation required. The amendment simply provides that the lands shall be cultivated as they are required to be cultivated under the reclamation project.

Mr. BORAH. I did not mean to say that the Senator from Utah himself is not in favor of the bill, but those who are in favor of the amendment particularly seem to think it is necessary, and would doubtless feel the necessity of halting the bill if the amendment was not in. I am not criticizing the Senator or anyone else. I simply desired to state my view.

Mr. SMOOT. Yes.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Utah.

The amendment was agreed to.

Mr. BORAH. I desire to offer an amendment to the bill.

The SECRETARY. On page 1, line 10, after the word "two," insert:

And also to persons who have made or shall make homestead entries under irrigation projects of the United States for surplus Indian lands within former Indian reservations.

Mr. SMOOT. I am not going to object to the amendment, but I want to call the attention of the Senator from Montana [Mr. MYERS] to the amendment. I will say that if the bill passes the House with the amendment just offered I shall ask that the bill (S. 5957) providing for the issuance of patents to entrymen for homesteads in the so-called Flathead irrigation project be indefinitely postponed. I ask the Senator from Montana not to call that bill up for consideration until this is finally disposed of, because it refers to the same subject, and therefore if the amendment is now included in the bill and it becomes a law I shall ask that Senate bill 5957 be indefinitely postponed.

Mr. MYERS. As I understand the Senator from Utah, if the amendment which is now offered is adopted it will render unnecessary the other bill pending on the same subject.

Mr. SMOOT. There is no doubt of it, because Mr. Newell, of the Reclamation Service, tells me that the only lands affected by the amendment offered by the Senator from Idaho are the Indian lands on the former Flathead Indian Reservation.

Mr. MYERS. That is agreeable to me.

Mr. SMOOT. Of course I would not like to have both measures passed, because they affect the same lands.

Mr. MYERS. From what the Senator from Utah says, I am satisfied with either one.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 18336) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, line 23, after the word "receiving," to insert "Provided, That in the event of the death of Louisa V. John, helpless and dependent child of said Abia C. John, the additional pension herein granted shall cease and determine: And provided further, That in the event of the death of Kate L. John the name of the said Louisa V. John shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 from and after the date of death of said Kate L. John," so as to make the clause read:

The name of Kate L. John, widow of Abia C. John, late of Company A and hospital steward, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving: Provided, That in the event of the death of Louisa V. John, helpless and dependent child of said Abia C. John, the additional pension herein granted shall cease and determine: And provided further, That in the event of the death of Kate L. John the name of the said Louisa V. John shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 from and after the date of death of said Kate L. John.

The amendment was agreed to.

The next amendment was, on page 4, line 1, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of Thomas Stubbs, late of Company H, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, after line 6, to strike out:

The name of Allen King, late of Company G, Thirtieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, line 13, before the word "dollars," to strike out "seventy-two" and insert "fifty," so as to make the clause read:

The name of Henry Dorman, late of Company F, Seventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 7, after line 3, to strike out:

The name of Benjamin F. Kimler, late of Company E, Sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, after line 14, to strike out:

The name of John E. Penn, late of Companies G and C, Ninth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, after line 14, to strike out:

The name of George A. Carpenter, late deck hand, U. S. gunboat *Diana*, Mississippi ram fleet, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, after line 19, to strike out:

The name of Louisa De Volve, former widow of Warren Collins, late of Company K, Eighth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 14, after line 19, to strike out:

The name of Edward Blanchard, late of Company L, Seventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, line 18, before the word "dollars," to strike out "sixty" and insert "thirty," so as to make the clause read:

The name of Irvin Patrick, late of Company H, Forty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, line 1, before the word "dollars," to strike out "sixty" and insert "fifty," so as to make the clause read:

The name of James E. Cothorn, late of Company H, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, after line 5, to strike out:

The name of Charles H. Dutton, late of Third Battery Vermont Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, after line 9, to strike out:

The name of Benjamin B. D. Derickson, late of Company H, Ninth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, line 24, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of Samuel Cobean, late of Company C, Forty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 9, before the word "dollars," to strike out "sixty" and insert "fifty," so as to make the clause read:

The name of George W. Currier, late of Company B, Sixth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, line 21, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of Wilson Bray, late of Company F, First Regiment Tennessee Mounted Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, after line 14, to strike out:

The name of William J. Mogle, late of Company A, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, line 12, before the word "Colored," to strike out "Volunteer," and in line 13, before the word "Infantry," to insert "Volunteer," so as to make the clause read:

The name of Isaac Washington, late of Company H, One hundredth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, line 16, before the word "Colored," to strike out "Volunteer," and in line 17, before the word "Infantry," to insert "Volunteer," so as to make the clause read:

The name of Benjamin Brinley, late of Company I, One hundredth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, after line 18, to strike out:

The name of Augustine Bell, late of Company I, Thirteenth Regiment United States Volunteer Colored Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, after line 22, to strike out:

The name of Marshall Jones, alias Farris, late of Company E, One hundred and twenty-first Regiment United States Volunteer Colored Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, line 6, before the word "Colored," to strike out "Volunteer," and in the same line, before the word "Infantry," to insert "Volunteer," so as to make the clause read:

The name of Lan Doniphan, late of Company H, One hundred and seventeenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, line 10, before the word "Colored," to strike out "Volunteer"; in line 11, before the word "Heavy," to insert "Volunteer"; and in line 12, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of Job Washington, late of Company G, Thirteenth Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, line 16, before the word "Colored," to strike out "Volunteer"; in the same line, before the word "Infantry," to insert "Volunteer"; and in line 17, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of Elijah Combs, late of Company A, One hundred and twenty-first Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 27, line 16, before the word "Company," to strike out "of" and insert "captain," so as to make the clause read:

The name of Anna F. Thayer, widow of Charles F. Thayer, late captain Company B, Fifty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 28, line 12, after the word "Infantry," to insert "and Hatch's battalion Minnesota Volunteer Cavalry," so as to make the clause read:

The name of Thomas J. Little, jr., late of Company D, Tenth Regiment Minnesota Volunteer Infantry, and Hatch's battalion Minnesota Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 28, after line 19, to strike out:

The name of Sarah E. Gillespie, widow of Thomas Gillespie, late of Company C, Second Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 29, line 2, after the word "month," to insert "said pension to cease upon proof that the soldier is living," so as to make the clause read:

The name of Della R. Parker, widow of Isaac N. Parker, late of Fourteenth Independent Battery, Ohio Volunteer Light Artillery, and pay her a pension at the rate of \$12 per month, said pension to cease upon proof that the soldier is living.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PUBLIC UTILITIES COMMISSION.

Mr. GALLINGER. I desire to give notice that to-morrow, after the conclusion of the routine morning business, I will ask the Senate to resume the consideration of the bill (S. 3812) to regulate public utilities in the District of Columbia and to confer upon the Commissioners of the District of Columbia the duties and powers of a public utilities commission.

Mr. BRISTOW. May I make an inquiry? Will the notice just given conflict with the unanimous-consent agreement made this afternoon?

The VICE PRESIDENT. If it does, the unanimous-consent agreement will hold.

Mr. GALLINGER. I was not aware of an agreement for to-morrow. I will therefore change the notice to Saturday.

PRESERVATION OF FORT M'HENRY.

Mr. DU PONT. I am directed by the Committee on Military Affairs, to which was referred the bill (S. 6354) to perpetuate and preserve Fort McHenry and the grounds connected therewith as a Government reservation under the control of the Secretary of War and to authorize its partial use as a museum of historic relics, to report it favorably without amendment. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

Mr. CULBERSON. I will ask the Senator in charge of the bill if this fort has been abandoned.

Mr. DU PONT. I will say to the Senator from Texas that I understand it is not now occupied by troops, and the War Department has approved the bill.

Mr. CULBERSON. Is it a part of the policy of the Government to give the use of abandoned forts for public purposes disconnected somewhat from the War Department?

Mr. DU PONT. I am not aware of any such policy.

Mr. CULBERSON. The Senator will recall that there were several measures to that general effect in the appropriation bill which came from the House and passed the Senate. I will ask if this separate bill is along that general line.

Mr. DU PONT. I will say to the Senator from Texas that I am not aware that the War Department has formulated any general policy in regard to forts which may be discontinued as military stations. This bill relates to Fort McHenry, which is associated with historical events, and the bill has been considered, I imagine, on its own merits apart from any general public policy.

Mr. CULBERSON. I will ask that the last paragraph of the bill be again read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Provided, That said fort proper and appurtenant grounds may, with the assent and under the control of the Secretary of War, be occupied as a military museum under such rules and regulations as he, in his discretion, may prescribe.

Mr. RAYNER. If I may say a word about the bill, there is no objection to it at all. The fort is now a military reservation. The object is to use a part of it for a military museum if it is so desired. The War Department has approved this bill. I have had two or three bills before the Senate of similar import, and this is about the only one that I could get the War Department to approve of. There has been an effort to use the grounds for other purposes. It being the place where the British were repulsed in 1812 and the scene where the Star Spangled Banner was composed, it is the desire that it shall remain as it is for military purposes and not be used for any

purpose that would desecrate it. It is a perfectly unobjectionable bill.

Mr. SMOOT. It carries no appropriation?

Mr. RAYNER. It carries not a cent of appropriation, and this is done with the consent of the War Department.

Mr. DU PONT. There is not a cent of appropriation in the bill.

The VICE PRESIDENT. Without objection, the bill is before the Senate as in Committee of the Whole.

Mr. HEYBURN. Mr. President, I notice that the bill designates officially the national anthem without naming it. There is a controversy in this country as to whether or not My Country 'Tis of Thee is the national anthem or the Star Spangled Banner. Would it not be well to name it?

Mr. RAYNER. If the Senator wants to change that he can call it the Star Spangled Banner, and that will be accepted as the national anthem until some other is adopted.

Mr. HEYBURN. I do not think the Senator's suggestion is entirely applicable to my inquiry. The bill should be definite. If you are going to use the term at all you should name the anthem.

Mr. RAYNER. There is no objection to naming it.

Mr. HEYBURN. Which will you name?

Mr. RAYNER. We can not name any other. It was the Star Spangled Banner that was composed there.

Mr. HEYBURN. When was the Star Spangled Banner made the national anthem?

Mr. RAYNER. The Senator can put in "The Star Spangled Banner." It was composed at that place.

Mr. HEYBURN. No; I will not take that responsibility. I was merely calling attention to the fact that it is a question whether the Star Spangled Banner or My Country 'Tis of Thee is the national anthem. It is hardly worth while to be careless about a thing of this kind. If it is worth doing, it is worth doing correctly.

Mr. RAYNER. The bill does not make anything a national anthem. It simply says that the national anthem was composed there.

The VICE PRESIDENT. May the Chair suggest that after the bill is passed the preamble may be stricken out?

Mr. HEYBURN. I should like to hear the statement in the preamble read, and let us see what it is.

The VICE PRESIDENT. The Secretary will read the preamble.

The Secretary read as follows:

Whereas Fort McHenry, the birthplace of our national anthem and made memorable by the repulse of the British fleet—

Mr. HEYBURN. That is sufficient for my purpose. I wish to know what evidence there is that Fort McHenry was the birthplace of the national anthem.

Mr. DU PONT. I shall move to strike out the preamble.

Mr. HEYBURN. There should be no reference to it whatever.

Mr. SMOOT. That is in the preamble, and by moving to strike it out it will do away with that question.

The VICE PRESIDENT. That can be done only after the bill is passed.

Mr. HEYBURN. I understand that; but a motion had not been made to strike it out until after I had called attention to it. I suppose it will be stricken out.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. DU PONT. I move to strike out the preamble.

The VICE PRESIDENT. Without objection, the preamble will be stricken out.

WIND RIVER RESERVATION LANDS, WYO.

Mr. CLARK of Wyoming. I ask unanimous consent for the present consideration of the bill (H. R. 16101) providing for patents to homesteads on the ceded portion of the Wind River Reservation in Wyoming.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that any person who, prior to December 16, 1911, made homestead entry on the ceded portion of the Wind River Reservation in Wyoming, and has not abandoned the same, and who has been unable to secure water for the irrigation of the lands covered by his entry, may secure title to the same upon the submission of satisfactory proof that he has established and maintained actual bona fide residence upon his land for a period of not less than eight months and upon payment of all sums remaining due on said land as provided for by the act of March 3, 1905.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PREFERENCE RIGHT OF ENTRY.

Mr. SMOOT. I ask unanimous consent for the present consideration of the bill (S. 5309) to amend section 3 of the act of Congress approved May 14, 1880—Twenty-first Statutes at Large, page 140.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Lands with an amendment, to add at the end of the bill the following proviso:

And provided further, That this act shall apply to all claims, locations, or entries made under the above-mentioned acts, where no adverse claims have intervened.

So as to make the bill read:

Be it enacted, etc., That section 3 of the act of Congress approved May 14, 1880 (21 Stat. L., p. 140), be, and the same is hereby, amended by adding thereto the following:

Provided, That any settler upon lands theretofore designated by the Secretary of the Interior as subject to the provisions of section 1 to 5 of the enlarged homestead acts of February 19, 1909 (35 Stat. L., p. 639), and June 17, 1910 (36 Stat. L., p. 531), shall be entitled to the preference right of entry accorded by this section, provided he shall have plainly marked the exterior boundaries of the lands claimed as his homestead: *And provided further*, That after the designation by the Secretary of the Interior of public lands for entry under the nonresidence provisions of the enlarged homestead acts of February 19, 1909, and June 17, 1910, any person who shall have plainly marked the exterior boundaries of the lands claimed under said provisions of law and made valuable improvements thereon shall have a preference right to enter the lands so claimed and improved at any time within three months after the date on which such lands become subject to entry; but such right shall forfeit unless the settler or claimant under the provisions of the enlarged homestead acts shall annually cultivate and improve the lands in the form and manner and to the extent therein required following date of initiation of his claim hereunder: *And provided further*, That this act shall apply to all claims, locations, or entries made under the above-mentioned acts, where no adverse claims have intervened."

The amendment was agreed to.

Mr. SMOOT. In line 9, page 1, the word "section" should be "sections," so as to read "sections 1 to 5."

The VICE PRESIDENT. The amendment will be agreed to. The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. HEYBURN. I desire to ask a question of the Senator. Is this intended to cover some special emergency or is it intended for general legislation?

Mr. SMOOT. It is intended for general legislation. It is giving the entryman under an enlarged homestead, where lands are unsurveyed, the same preference right the regular homesteader has on 160 acres, or, in other words, the Senator's State and the State of Utah have so much unsurveyed land, and a great deal of the land has been designated to be taken up under the enlarged-homestead act. As long as it is unsurveyed they go and enter the land and they have no preference right under the enlarged-homestead act. This simply gives them that preference right on unsurveyed lands, the same as the entryman has upon the lands entered under the general homestead act.

Mr. HEYBURN. I will just leave a comment in the RECORD on this bill. It permits a man to mortgage that which he has no right to under the existing law, at the time he does it, for the purpose of keeping off legitimate settlers who might want that land.

Mr. SMOOT. Oh, Mr. President—

Mr. HEYBURN. He takes first his homestead, then he takes an additional homestead, and then he takes the preferential right to enter an area of land adjoining it. I merely desired to leave this tag on this legislation.

Mr. SMOOT. Of course that is not—

The VICE PRESIDENT. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRESIDENTIAL PRIMARIES IN THE DISTRICT OF COLUMBIA.

Mr. BRISTOW. I ask unanimous consent to call up the bill (S. 2234) to provide for a primary nominating election in the District of Columbia, at which the qualified electors of the said District shall have the opportunity to vote for their first and second choice among those aspiring to be candidates of their respective political parties for President and Vice President of the United States, to elect their party delegates to their national conventions, and to elect their national committeemen.

The VICE PRESIDENT. Is there objection?

Mr. HEYBURN. I object.

The VICE PRESIDENT. Objection is made.

Mr. NIXON. Mr. President—

The VICE PRESIDENT. The Senator from Nevada.

Mr. BRISTOW. Mr. President—

The VICE PRESIDENT. The Senator from Nevada has been recognized. Objection is made to the present consideration of the bill called up by the Senator from Kansas.

Mr. BRISTOW. I want to make a request in regard to the bill that was just called up.

The VICE PRESIDENT. The Senator will make it.

Mr. BRISTOW. I do not like to be taken off my feet entirely.

The VICE PRESIDENT. The Chair did not take the Senator off his feet.

Mr. BRISTOW. The Senator from Idaho objects to the consideration of the bill. I desire to request unanimous consent for the consideration of the bill on Saturday next—

Mr. HEYBURN. I object to that.

Mr. BRISTOW. And that it be voted upon on that day.

Mr. HEYBURN. I object.

The VICE PRESIDENT. The Senator from Idaho objects.

Mr. BRISTOW. I desire to state that I recognize that there are not a great many Senators here this afternoon and there are a number present who have bills that are not contested which they are very anxious to have considered by the Senate. I will not make the motion which I have in mind, to proceed to the consideration of the bill, as I did when the bill was called up the other day, because I know Senators desire to dispose of some uncontested measures. But I want to say now that, if I am able, I shall insist upon this measure being taken up and disposed of by a vote of the Senate, and I shall not be content to have it put aside as it has been by a filibuster, as it was the other day. It is a measure that has merit and it ought to be considered now.

Mr. HEYBURN. I do not know who filibustered.

Mr. BRISTOW. I shall not insist on its consideration this evening.

The VICE PRESIDENT. The Senator from Nevada has been recognized.

Mr. SMOOT subsequently said: The Senator from Kansas [Mr. Bristow] referred to having the bill laid aside by a filibuster. I had no intention whatever of a filibuster. There were a great many Senators on both sides of the Chamber who asked that the calendar, under Rule VIII, be taken up that bills to which there was no objection might be passed; and it was in carrying out their request and doing what I thought was proper that I felt like the calendar ought to go on regularly. I do not want the Senator to think that I had any intention whatever of engaging in any filibuster.

Mr. BRISTOW. I wish to say, in regard to the statement made by the Senator from Utah, that the Senate by a very decided vote expressed its desire to take up the measure and consider it, and it was the persistent manner by which the quorum was broken that prevented it from being considered. Now, the purpose of the Senator from Utah might not have been to filibuster, but the action of the Senate was a filibuster that prevented the consideration of the bill at that time.

Mr. SMOOT. There was no filibuster about it, Mr. President.

MARSHAL'S SALARY IN DISTRICT OF NEVADA.

Mr. NIXON. I ask unanimous consent for the present consideration of the bill (S. 3925) providing for an increase of salary of the United States marshal for the district of Nevada.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, in line 5, before the word "dollars," to strike out "four thousand" and insert "three thousand five hundred," so as to make the bill read:

Be it enacted, etc., That from and after the passage of this act the salary of the United States marshal for the district of Nevada shall be at the rate of \$3,500 a year.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT CAPE CHARLES, VA.

Mr. SWANSON. I ask for the present consideration of the bill (S. 5668) to provide for the purchase of a site and the erection of a public building thereon at Cape Charles, in the State of Virginia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, in section 1, page 2, line 2, before the word "thousand," to strike out "fifty" and insert "sixty-five," so as to make the section read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a

site and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post office and other Government offices in the town of Cape Charles, State of Virginia, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, not to exceed the sum of \$65,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION IN FLORIDA.

Mr. FLETCHER. I desire to ask unanimous consent for the present consideration of the bill (S. 2346) to establish a fish hatchery and biological station in the third congressional district of Florida.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Fisheries with amendments.

The first amendment was, on page 1, line 6, after the words "station in," to strike out "the third congressional district of," and in line 8, after the word "point," to strike out "in said district," so as to read:

That the sum of \$50,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the establishment of a fish-cultural and biological station in the State of Florida, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the United States Fish Commission.

The amendment was agreed to.

The next amendment was, on page 1, after line 9, at the end of the bill, to add the following proviso:

Provided, That before any final steps shall have been taken for the construction of a fish-cultural station in accordance with this bill, the State of Florida, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding: *And provided further,* That the operations of said hatchery may be suspended by the Secretary of Commerce and Labor whenever, in his judgment, the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatchery.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to establish a fish-cultural station in the State of Florida."

FREDERICK BECKSTEIN AND OTHERS.

Mr. O'GORMAN. I ask unanimous consent for the present consideration of the bill (S. 4599) for the relief of Frederick Beckstein and others.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to the personal or legal representatives of the following estates, which paid taxes in the New York internal-revenue districts, namely, estates of Frederick Beckstein, James Dundon, Henry Gade, Juan A. Guerra, Hugh Higgin, Eugene A. Hoffman, George Hubbel, Joseph F. Ismay, Isaac G. Johnson, Jane Kelley, Louis Manges, Anna M. Merritt, Henry C. Miner, John Murtha, Theresa Nathan, Jacob D. Nordlinger, Augustus F. Pearce, Louise B. Quackenbos, Margaret S. Salisbury, Gouverneur M. Smith, Charles E. Tilford, John H. Wadsworth, Caroline A. Wadsworth, Margaret M. Bilderback, Cord Gerken, Charles P. Haughian, Lydia A. Oakley, and Arthur S. C. Wurtele, such sums of money as have been in any manner collected from those estates as internal-revenue taxes paid on legacies and distributive shares of personal property to the United States under the war-revenue act of June 13, 1898, the sums to be refunded in accordance with the decision of the United States Supreme Court in the case of Knowlton v. Moore (reported in United States Supreme Court Reports, vol. 178, p. 41), any statute of limitation to the contrary notwithstanding.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ASSISTANCE AND SALVAGE AT SEA.

Mr. BURTON. I ask unanimous consent for the present consideration of the bill (S. 4930) to carry into effect the provisions of a convention for the unification of certain rules with respect to assistance and salvage at sea.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BURTON. I desire to offer two amendments to the bill— one in section 2, page 2, line 1, to strike out the words "fine of

not to exceed five" and to insert "penalty of not exceeding one."

The object of that amendment is to make the bill conform to a statute already in force, passed in 1890, relating to the penalty for failing to aid in case of collision. It seems desirable that the penalty in the two cases be the same.

The VICE PRESIDENT. The amendment proposed by the Senator from Ohio will be stated.

The SECRETARY. In section 2, page 2, line 1, after the words "to a," it is proposed to strike out "fine of not to exceed five" and insert "penalty of not exceeding one," so as to read:

Sec. 2. That the master or person in charge of a vessel shall, so far as he can do so without serious danger to his own vessel, crew, or passengers, render assistance to every person who is found at sea in danger of being lost; and if he fails to do so, he shall, upon conviction, be liable to a penalty of not exceeding \$1,000.

The amendment was agreed to.

Mr. BURTON. In the next line I propose the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Ohio will be stated.

The SECRETARY. In the same section, page 2, line 2, after the words "for a," it is proposed to strike out "period not to exceed five" and to insert in lieu thereof the words "term not exceeding two," so as to read: "or imprisonment for a term not exceeding two years, or both."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. BURTON, the title was amended so as to read: "A bill to harmonize the national law of salvage to the provisions of an international convention for the unification of certain rules with respect to assistance and salvage at sea, and for other purposes."

SYSTEM OF RURAL COOPERATIVE CREDIT.

Mr. GRONNA. I ask unanimous consent for the present consideration of the joint resolution (S. J. Res. 75) to provide for the appointment of a commission to investigate the operations of cooperative land-mortgage banks and cooperative rural credit unions in other countries.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on Finance with amendments, on page 1, line 3, after the word "appoint," to insert "by and with the advice and consent of the Senate"; in line 4, after the word "commission," to insert "of three members, not more than two of whom shall be of one political party"; in line 8, after the word "countries," to strike out "and to fix the"; in line 9, after the word "commission," to insert "shall be \$5,000 each"; on page 2, line 9, after the words "sum of," to strike out "fifty" and insert "thirty"; in line 10, after the word "than," to strike out "January 1, 1913," and insert "one year after appointment"; and in line 15, after the name "United States," to insert "and at that date this commission shall cease to exist," so as to make the joint resolution read:

Resolved, etc. That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, a commission of three members, not more than two of whom shall be of one political party, to investigate the operations of cooperative land-mortgage banks and of cooperative rural credit unions in other countries; compensation of the members of the commission shall be \$5,000 each. Said commission is hereby authorized to employ such clerks, stenographers, and other assistants as may be necessary, which employees shall be paid such compensation as the commission may deem just and reasonable, upon a certificate to be issued by the chairman of the commission. For the purposes of its investigations the commission shall be authorized to incur, and have paid upon the certificate of its chairman, such expenses as the commission shall deem necessary: *Provided, however,* That the total expenses authorized or incurred for compensation, employees, and otherwise shall not exceed the sum of \$30,000. Said commission shall, not later than one year after appointment, submit a report to Congress, embodying therein recommendations as to how the systems of such land-mortgage banks and rural credit unions may best be adapted to the needs and requirements of the people of the United States, and at that date this commission shall cease to exist.

The amendments were agreed to.

Mr. BURTON. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment offered by the Senator from Ohio will be stated.

The SECRETARY. On page 1, line 8, after the word "countries," it is proposed to insert "as well as other organizations or institutions for the lending of money on land."

Mr. BURTON. I do not desire in any way to prejudice this joint resolution; I thoroughly believe in it; but I thought while this commission was making the investigation provided for in

the resolution as introduced here they might also investigate other large general institutions in France and in other countries which have to do with the lending of money on land.

Mr. SMOOT. Mr. President, I believe that the joint resolution as originally drawn and amended by the committee includes all those institutions. I ask that the Secretary read the joint resolution as amended, so that we may see just how it reads.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read the joint resolution as amended.

Mr. BURTON. I will state that the joint resolution referred originally merely to cooperative land-mortgage banks and cooperative rural credit unions. In addition to those mentioned there are institutions of larger scope, general in their nature, for the lending of money on land.

Mr. GRONNA. Mr. President, I ask to have the amendment again read.

The VICE PRESIDENT. The Secretary will again state the amendment proposed by the Senator from Ohio [Mr. BURTON].

The SECRETARY. On page 1, line 8, after the word "countries," it is proposed to insert "as well as other organizations or institutions for the lending of money on land," so as to read:

To investigate the operations of cooperative land-mortgage banks and of cooperative rural credit unions in other countries, as well as other organizations or institutions for the lending of money on land.

Mr. GRONNA. I have no objection to that amendment.

Mr. SMOOT. That will open the door, will it not, for a very wide investigation, for I take it for granted—

Mr. BURTON. I do not think so. Those institutions are comparatively few in number, and the investigation to be conducted with reference to them will not occupy any considerable time.

Mr. DU PONT. Mr. President, practically there is only one institution of that kind, and it operates in France and its colonies. That is the Credit Foncier, as it is called.

Mr. SMOOT. I suppose that is the mother institution, as it is called, but it has branches all over France.

Mr. DU PONT. It has branches, of course, but the one central institution deals with the branches in the colonies.

Mr. SMOOT. As I understand, what the Senator from North Dakota desires to have investigated is the cooperative plan in Germany and in France, so as to ascertain whether that cooperative plan in those countries can be applied to this country.

Mr. GRONNA. Yes; that was the purpose.

Mr. SMOOT. It was the purpose to ascertain if such cooperative institutions could be established in this country for the purpose of lending money.

Mr. GRONNA. My intention in offering the resolution, as introduced, was to provide for an investigation of cooperative unions.

Mr. BACON. I should like to ask if all this information can not be found in publications which now exist? Why should we be sending commissions around the world? If they are matters of any importance, I am sure they have already been set out in a way that we can avail ourselves of the information.

Mr. GALLINGER. The information can be obtained through our consuls and the State Department.

Mr. BACON. Yes; the information might be obtained through our consuls. We are complaining about unnecessary expenses, but it looks to me as if we are going far out of the way in this instance. It is a comparatively small matter, but, as the saying goes, "many a mickle makes a muckle."

Mr. HEYBURN. Mr. President—

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. GRONNA. I yield to the Senator.

Mr. HEYBURN. I was only led to acquiesce in the report on this measure in the committee upon the understanding that it was confined to these two classes of institutions in Germany. It was not considered by the committee that the scope would be extended in any way whatever, otherwise it would probably have met with a very different reception.

Mr. BACON. Will the Senator allow me to ask him a question?

Mr. HEYBURN. Yes.

Mr. BACON. I should like to ask the Senator if the committee, when they passed upon this joint resolution, looked into the question as to whether all this information was not to be had in existing publications?

Mr. HEYBURN. Mr. President, I suggested, if I may go that far, that every bit of the information sought to be ascertained under this joint resolution is now available, and, so far as I am concerned, I have no difficulty whatever in getting at it, nor would any other Senator. But this joint resolution pro-

vides for a commission limited to one year, and by a stretch of conscience and the addition of some imagination as to what good might be accomplished I was led to acquiesce; otherwise I should have made some more determined resistance. Now, if this measure is to be amended so as to widen its scope I shall object to its consideration.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Ohio.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. The joint resolution is now being considered by unanimous consent, which has already been granted.

Mr. SMOOT. I thought it had only been read for information.

The VICE PRESIDENT. But since then amendments have been agreed to.

Mr. HEYBURN. Well, if the rule goes that far—of course I had it in mind that if any attempt should be made to widen the scope of the joint resolution I would object to its consideration—I may have waited too long.

The VICE PRESIDENT. The Chair fears that the Senator waived his right by not stating so at the time.

Mr. GALLINGER. Mr. President, I was not present when the joint resolution was read, but since coming into the Chamber I am impressed with the feeling that we are running pretty nearly mad on the matter of appointing commissions for all sorts of things. I recall the fact that a few years ago there was a great desire to obtain information regarding the pension laws of the several countries of the world. It was suggested to me that a commission would be the right thing, and that I might possibly get the chairmanship of that commission, as I was then chairman of the Committee on Pensions. I thought there was an easier way and a less expensive way, and so I addressed a letter to the Secretary of State, asking him if that could not be done by or through the consuls of the United States. He very promptly responded that he would undertake the work. The result was that in a comparatively short time every pension law of every civilized nation on the face of the earth was in my possession, and it did not cost many dollars to accomplish that object.

I do not know how desirable this information may be. I think it likely when we get it we will do nothing with it; but it does occur to me that if it is necessary to get this information, it can be obtained through the State Department without the expense of another commission. I have been away for three or four days, but I think I have noticed that one or two commissions have been created since I left, and pretty soon, if this thing goes on, I think we had better turn over the work of the Government to commissions, and relieve ourselves of a great deal of unnecessary labor.

If I were permitted to object to the consideration of the joint resolution I would do so; but I understand that I came in too late to do that. I shall, however, want the privilege of voting against it when it is submitted to the Senate.

Mr. BURTON. Mr. President, I regard this investigation as of extreme importance. We all recognize the fact that it is necessary for the farmers, in order to increase the productive power of their farms, to make investments along certain lines which have not thus far been regarded as profitable. The farmer in many portions of the country has cultivated fertile, virgin land. Much of this land, while not exhausted, is diminished in productive capacity. Now, if the farmer proposes to increase this productive capacity by drainage or fertilizing or any other improvement essential for bettering the quality of his land and for promoting the development of the agricultural resources of the country he must expend a larger amount of capital. He is now under a very great disadvantage in that rates of interest upon farm loans, generally speaking, as compared with rates upon loans on other kinds of realty and investments in numerous bonds are high. Yet many very necessary betterments on farming property will not give assurance of a large return. These betterments will not be made on borrowed capital unless rates of interest are comparatively low.

I do not think this investigation with reference to cooperative land-mortgage banks and cooperative rural credit unions merely will disclose the most desirable means of obtaining loans upon farms. I think some central institution, with the necessary branches, would better serve the purpose, such as the one mentioned by the Senator from Delaware [Mr. DU PONT]—the Credit Foncier.

The Monetary Commission in its report recognizes the desirability of loans upon farms, as well as upon other landed property, by recommending an amendment to the national banking law to the effect that 30 per cent of time deposits may be loaned upon land. One advantage of great central institutions is that they tend to equalize rates of interest in different portions of

the country. The census report of 1890 contained a statement of the rates charged farmers in the different States of the Union. My recollection is these rates at that time ranged from about 5 per cent to 12 per cent. There is no reason why there should be this disparity; and it was my desire in offering the amendment to cause an investigation to be made of larger institutions organized for the business of lending money to farmers on a very large scale. Such an investigation can very readily be made in connection with an examination of cooperative land-mortgage banks and the cooperative rural credit unions.

However, as I understand that the amendment provokes some opposition, and I am unwilling to see the joint resolution defeated, I am inclined to withdraw the amendment. I think, however, it points toward the obtaining of information which will tend to improve present conditions and make it possible to obtain loans on farms more readily than by the cooperative institutions which, useful as they may be, must be rather local than general or national in their character.

The VICE PRESIDENT. Does the inclination of the Senator from Ohio lead him to withdraw the amendment?

Mr. BURTON. I withdraw it.

Mr. OVERMAN. Mr. President, I first objected to the joint resolution because I did not exactly understand it, but I withdrew my objection in order that it might have consideration.

It does seem to me that there is too much money provided for the purpose, unless it is intended to make a junketing trip for a commission into France and Germany. I do not see that those commissions which travel all over the world do very much good. We had the Monetary Commission, which spent a large amount of money. We had the River and Harbor Commission, which went to Europe and spent forty or fifty thousand dollars. Other commissions have gone abroad.

The joint resolution provides a salary of \$5,000 for three men, which is \$15,000. It seems to me they ought to get a pretty good clerk at \$3,000. That would leave \$2,000 for incidental expenses. I believe they could do the work just as well here as to go over there. They could get the data here. By communicating with our consuls they could get the data from abroad. They could get the data here from the books in the Library as to all they want to know about. They can get it from books which have been published. I move to strike out "thirty" and insert "twenty."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the committee amendment, on page 2, line 9, by striking out "thirty" and inserting "twenty," so as to read "twenty thousand dollars."

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Carolina.

Mr. BACON. Mr. President, I think \$20,000 is very much less objectionable than \$30,000, but I believe any sum is objectionable, and consequently I shall vote against the amendment, not that I prefer the \$30,000, but because I am opposed to any appropriation. Why should we have this commission, especially when there is no Senator here who can stand up in his place and say that he knows definitely the fact that right across the square in the Congressional Library there can not be found books which will give every particle of information that the commission would seek?

Mr. GRONNA. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. BACON. Certainly.

Mr. GRONNA. I wish to say to the Senator from Georgia that there is no such complete information to be had in the Congressional Library.

Mr. BACON. Of course I must take the Senator's statement to that effect. I suppose he has been over to the Library and made an exhaustive examination and has failed to find it.

Mr. GRONNA. I have not been able to get such information.

Mr. BACON. Has the Senator made a diligent examination to see whether or not this information is in the Congressional Library?

Mr. GRONNA. There is certainly no complete report—

Mr. BACON. I can not hear the Senator from North Dakota.

Mr. GRONNA. There is certainly no report made by a commission completely covering the subject.

Mr. BACON. I am not speaking of that. I am speaking of the question whether there are any publications. I am asking the Senator whether or not he has made diligent inquiry at the Congressional Library to find out whether there are any publications giving a description of these banks and their method of proceeding and the kind of work they do. I think it is a remarkable fact if they are not there. I believe he can find the information in the Encyclopedia Britannica.

Mr. GRONNA. There are some publications that touch on this particular question; but there is not, at least I have not been able to find one, any document that will give full information regarding this question. I believe the subject is of sufficient importance to expend \$30,000 to get the information. The joint resolution simply provides for the appointment of a commission to get facts. The farming communities of this country are certainly entitled to that much.

Mr. BACON. I want the farmers to have it, but I do not want to go to any unnecessary expense to get it. I think it can be found in books already in existence which are available, and if not the information can all be gotten through United States consuls without any additional expense.

Mr. CURTIS. I wish to ask a question. Could not all the information the Senator desires to get be secured through our consular agencies?

Mr. GRONNA. I have not been able to get such information. Mr. CURTIS. Has the Senator tried?

Mr. GRONNA. Yes.

Mr. CURTIS. And they refused to give it to him?

Mr. GRONNA. Refused to give it? Oh, no; not at all. I say I have been unable to find any document that will give the desired information regarding this question. It is no small question.

Mr. CURTIS. I fully realize it is no small question, but I do realize that all over the world we have consular agents who, if properly applied to, would furnish all the information desired on this question.

I remember also that some years ago when the financial question was agitating the people of the country there were plenty of documents printed, giving the plans followed in France and every other plan you could think of. I think with a few hours digging in the library for the period covering the years 1893, 1894, 1895, 1896, and 1897 one could find all the information desired on this subject. Probably by going to the Monetary Commission one could get a lot of it.

Mr. HEYBURN. Mr. President, I should like to call attention to the fact that these are corporations, and their terms or conditions of association are published facts, and their annual reports, or reports made even more frequently than that, give all the information in regard to these loans and the rates of interest. Then there is, I think, in the possession of some Senators here, at least I have had in my possession, and I think I could put my hands on it without much delay, a complete discussion of this question sent out by those who are advocating it. But being corporations, you can get the official statements. There is no trouble about that.

Mr. GRONNA. It is true there are publications. I have in my hand one, printed in Rome, giving information about rural banks and rural credit unions; but I do say there is no complete information showing the benefits to be derived, not only financially, but socially, from a thorough system of cooperative unions.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from North Carolina.

Mr. CURTIS. What is the motion?

The VICE PRESIDENT. The motion is to strike out "thirty" and insert "twenty," so as to read "\$20,000." [Putting the question.] The "noes" appear to have it.

Mr. OVERMAN. I call for a division.

Mr. GALLINGER. It is manifest a quorum could not be secured this evening, and I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 19, 1912, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, April 18, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, help us over the rough places as we journey through this day, that with unselfish devotion to duty and the rectitude of our behavior we may find ourselves at its close a little nearer heaven. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

LIFEBOATS FOR PASSENGER VESSELS.

The SPEAKER. The Chair is in possession of a telegram which he is not certain whether it should be laid before the House or go through the basket, but he will lay it before the House.

The Clerk read as follows:

NEW YORK, April 17, 1912.

The honorable CHAMP CLARK,

Speaker of the House of Representatives, Washington, D. C.:

We unite in urging speedy enactment of well-considered statute that will effectually require every passenger vessel leaving a United States port to be equipped with such lifeboats or rafts as shall suffice to receive and float every human creature on board.

Mayor James B. McEwan, Albany; Mayor Clarence E. Caruth, Cohoes; Mayor Lynn R. Lewis, Cowland; Mayor J. J. Bolan, Fulton; Mayor Reuben R. Gulvin, Geneva; Mayor John Irving, Binghamton; Mayor Frederick A. Ellison, Corning; Mayor Daniel Sheehan, Elmira; Mayor W. Irving Griffing, Glens Falls; Mayor Alden L. Henry, Gloversville; Mayor Louis Van Hoesen, Hudson; Mayor Samuel A. Carlson, Jamestown; Mayor Robert H. Reed, Lackawanna; Mayor James J. Moran, Lockport; Mayor E. W. Piske, Mount Vernon; Mayor F. H. Waldorf, New Rochelle; Mayor George E. Van Kennon, Ogdensburg; Mayor F. D. Blodgett, Oneonta; Mayor W. H. Nearpass, Port Jervis; Mayor Thomas Penney, Rensselaer; Mayor Stewart E. Townsend, Rome; Charles Zuckmaler, Tonawanda; E. J. Henratta, Watervliet; John Reamer, Ithaca; Mayor Abram Harrison, Johnstown; Mayor Frank H. Small, Little Falls; Mayor Rosslyn M. Cox, Middletown; Mayor J. B. Corwin, Newburgh; Mayor Louis Fleck, North Tonawanda; Mayor Peter C. Foley, Olean; Mayor David D. Long, Oswego; Mayor John K. Sague, Poughkeepsie; Mayor Hiram H. Edgerton, Rochester; Mayor Dr. George R. Lunn, Schenectady; Mayor Frank J. Baker, Utica; Francis Hugo, Watertown; James T. Lennon, Yonkers.

The SPEAKER. The Chair understands that a similar telegram was sent to Vice President SHERMAN.

Mr. SULZER. Mr. Speaker, in that connection I want to say that I introduced a bill yesterday to accomplish that very purpose.

The SPEAKER. The telegram will be referred to the Committee on the Merchant Marine and Fisheries.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 21821. An act to authorize the city of South Sioux City, in the State of Nebraska, to construct a bridge across the Missouri River between the States of Nebraska and Iowa.

EMPLOYMENT AND COMPENSATION OF MRS. HELEN GREY.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from Missouri asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. LLOYD. Mr. Speaker, I notice from the RECORD of Tuesday last that in the colloquy between Mr. MANN, of Illinois, and his colleague, Mr. GRAHAM, reference was made to me in connection with the employment of Mrs. Helen Grey.

In order that there may be no misunderstanding as far as I am concerned, I wish to say that the Democratic congressional committee has two persons employed to do research work and to gather statistical and other information for Members and committees. These persons are Josiah Shinn and Mrs. Helen Grey.

Mr. Shinn has been employed for about four years in this work and has received compensation at the rate of \$150 per month, excepting during the time he was in the employ of the House, when his service was rendered without compensation.

Mrs. Grey was employed less than a year ago and has received a salary of \$75 per month. She has spent much time in gathering information for the Committee on Expenditures in the Interior Department, of which Mr. GRAHAM, of Illinois, is chairman.

Neither Mr. Shinn nor Mrs. Grey has received any money from me, or from any other source so far as I have knowledge, excepting that which has been paid them by the Democratic congressional committee.

AMERICAN NATIONAL RED CROSS.

The SPEAKER laid before the House the bill (H. R. 16306) to provide for the use of the American National Red Cross in aid of the land and naval forces in time of actual or threatened war, with a Senate amendment thereto.

The Senate amendment was read.

Mr. SULZER. Mr. Speaker, I move to concur in the Senate amendment. The only change in the House bill made by the Senate was to strike out the preamble in the House bill.

The SPEAKER. The question is on the motion of the gentleman from New York to concur in the Senate amendment.

The question was taken, and the motion was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. SULZER. Mr. Speaker, I request that the diplomatic and consular appropriation bill (H. R. 19212), with the Senate amendments duly numbered, be printed.

The SPEAKER. The gentleman from New York asks unanimous consent that the diplomatic and consular appropriation bill, with the Senate amendments, be printed. Is there objection?

Mr. GARNER. Mr. Speaker, has the gentleman not the right to have this printed without unanimous consent?

Mr. SULZER. Certainly. I did not ask unanimous consent.

Mr. GARNER. Then, why ask unanimous consent?

Mr. SULZER. The Chair misunderstood me. I did not ask unanimous consent; I merely requested to have it done.

Mr. GARNER. It is not necessary to ask the House to have it done.

Mr. SULZER. I thought so; but the clerk was in doubt about it.

The SPEAKER. The Chair will state to the gentleman from Texas that the bill has not been referred to the Committee on Foreign Affairs. If it had been referred to the committee, then the gentleman from Texas would be right.

Mr. MANN. Mr. Speaker, reserving the right to object, it has always been customary to have these appropriation bills printed when they were taken from the Speaker's table, the Senate amendments disagreed to, and the conference agreed to. The bill was then printed with the Senate amendments numbered.

Mr. SULZER. Mr. Speaker, that was my understanding of the practice of the House, but the clerk of the committee informs me that he would like to have this request made, as there is some doubt whether he had the right to do the printing. I think he has the right.

Mr. MANN. Mr. Speaker, I shall make no objection; but if the practice of the past was without warrant of rule, then the rules ought to be changed so as to give the warrant for the printing of appropriation bills with Senate amendments, although they have not been referred to the committee of the House.

Mr. SULZER. I agree with the gentleman from Illinois.

The SPEAKER. The Chair is inclined to agree with the gentleman from Illinois, as a matter of practice, and it will be done hereafter, without any further order or ceremony. The Chair thinks the practice that the gentleman suggests is correct.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 14083) to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLARK of Wyoming, Mr. NELSON, and Mr. CULBERSON as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 5333) to authorize the widening and extension of Spring Road NW., and for other purposes.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested.

S. 4552. An act for the relief of the estate of Benjamin B. Cox, and others.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4552. An act for the relief of the estate of Benjamin B. Cox, and others; to the Committee on Claims.

POST OFFICE APPROPRIATION BILL.

Mr. HENRY of Texas. Mr. Speaker, I offer the following privileged resolution, which I send to the desk.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution (H. Res. 444) to change the rules of the House temporarily for the consideration of H. R. 21279, have considered the same and report the following substitute with the recommendation that it be adopted (H. Rept. 570):

Resolved, That after the adoption of this rule it shall be in order in the consideration of H. R. 21279, a bill making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes, to consider the new legislation on said bill hereinafter mentioned notwithstanding the general rules of the House.

First. On pages 18 and 19 the following proviso:

Provided further, That after the 1st of July, 1917, the Postmaster General shall not approve or allow to be used or pay for any full railway post office car not constructed of steel, steel underframe, or equally indestructible material, and not less than 20 per cent of the new equipment shall be put into operation annually after July, 1912; and after the passage of this act no contract shall be entered into for the construction of steel-underframe cars.

Second. In the order in which the sections come in said bill, sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 shall be in order as follows:

"Sec. 2. No contract for furnishing supplies to the Post Office Department or the postal service shall be made with any person who has entered, or proposed to enter, into any combination to prevent the making of any bid for furnishing such supplies, or to fix a price or prices therefor, or who has made any agreement, or given or performed, or promised to give or perform any consideration whatever to induce any other person not to bid for any such contract, or to bid at a specified price or prices thereon; and if any person so offending is a contractor for furnishing such supplies, his contract may be annulled, and the person so offending shall be liable to a fine of not less than \$100 nor more than \$5,000, and may be further punished, in the discretion of the court, by imprisonment for not less than three months nor more than one year.

"BONDS OF NAVY MAIL CLERKS.

"Sec. 3. That every Navy mail clerk and assistant Navy mail clerk shall give bond to the United States in such penal sum as the Postmaster General may deem sufficient for the faithful performance of his duties as such clerk.

"Sec. 4. When, after a weighing of the mails for the purpose of readjusting the compensation for their transportation on a railroad route, mails are diverted therefrom or thereto, the Postmaster General may, in his discretion, ascertain the effect of such diversion by a weighing of such mails for such number of successive working days as he may determine, and have the weights stated and verified to him as in other cases, and readjust the compensation on the routes affected accordingly: *Provided*, That no readjustment shall be made unless the diverted mails equal at least 10 per cent of the average daily weight on any of the routes affected.

"Sec. 5. That on and after July 1 next following the passage of this act letter carriers in the City Delivery Service and clerks in first and second class post offices shall be required to work not more than eight hours a day: *Provided*, That the eight hours of service shall not extend over a longer period than 10 consecutive hours, and the schedules of duty of the employees shall be regulated accordingly.

"That in cases of emergency, or if the needs of the service require, letter carriers in the City Delivery Service and clerks in first and second class post offices can be required to work in excess of eight hours a day, and for such additional services they shall be paid extra in proportion to their salaries as fixed by law.

"That should the needs of the service require the employment on Sunday of letter carriers in the City Delivery Service and clerks in first and second class post offices, the employees who are required and ordered to perform Sunday work shall be allowed compensatory time on one of the six days following the Sunday on which they perform such service.

"Sec. 6. That no person in the classified civil service of the United States employed in the postal service shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him, and be furnished with a copy thereof, and also be allowed a reasonable time for personally answering the same in writing; and affidavits in support thereof; but no examination of witnesses nor any trial or hearing shall be required except in the discretion of the officer making the removal; and copies of charges, notice of hearings, answer, reasons for removal, and of the order of removal shall be made a part of the records of the proper department or office, as shall also the reasons for reduction in rank or compensation; and copies of the same shall be annually reported to Congress and furnished to the person affected upon request, and the Civil Service Commission also shall, upon request, be furnished copies of the same or the originals thereof: *Provided, however*, That membership in any society, association, club, or other form of organization of postal employees having for its objects, among other things, improvements in the condition of labor of its members, including hours of labor and compensation therefor and leave of absence, by any person or groups of persons in said postal service, or the presenting by any such person or groups of persons of any grievance or grievances to the Congress or any Member thereof shall not constitute or be cause for reduction in rank or compensation or removal of such person or groups of persons from said service.

"Sec. 7. That after June 30, 1912, the Postmaster General may appoint railway postal clerks in such manner and of such respective grades and salaries as may be provided for in the annual appropriation acts for the service of the Post Office Department, for the purpose of sorting and distributing the mail in railway post offices, railway post-office terminals, and transfer offices, and for service in the offices of division superintendents and chief clerks, and as transfer clerks and such other services as may pertain to the Railway Mail Service. Such clerks shall be designated as railway postal clerks and shall be divided into the following grades, with corresponding salaries per annum not exceeding the following rates:

- "Grade 1, at not exceeding \$900.
- "Grade 2, at not exceeding \$1,000.
- "Grade 3, at not exceeding \$1,100.
- "Grade 4, at not exceeding \$1,200.
- "Grade 5, at not exceeding \$1,300.
- "Grade 6, at not exceeding \$1,400.
- "Grade 7, at not exceeding \$1,500.
- "Grade 8, at not exceeding \$1,600.
- "Grade 9, at not exceeding \$1,700.
- "Grade 10, at not exceeding \$1,800.
- "Chief clerks, at not exceeding \$2,000.

"The Postmaster General shall classify and fix the salaries of railway postal clerks, under such regulations as he may prescribe, in the grades provided by law; and for the purpose of organization and of establishing maximum grades to which promotions may be made successively as hereinafter provided, he shall classify railway post offices, terminal railway post offices, and transfer offices with reference to their character and importance in three classes, with salary grades as follows: Class A, \$900 to \$1,200; class B, \$900 to \$1,300; and class C, \$900 to \$1,500. He may assign to the offices of division superintendents and chief clerks such railway postal clerks as may be necessary and fix their salaries within the grades provided by law without regard to the classification of railway post offices.

"After June 30, 1913, clerks in class A shall be promoted successively to grade 3, clerks in class B shall be promoted successively to grade 4, and clerks in class C shall be promoted successively to grade 5 at the beginning of the quarter following the expiration of a year's satisfactory service in the next lower grade. Promotions above these grades within the maximum grades of the classification may be made in the discretion of the Postmaster General for meritorious service. No promotion shall be made except upon evidence satisfactory to the Post

Office Department of the efficiency and faithfulness of the employee during the preceding year.

"A clerk of any grade of any classification of railway post offices, terminal railway post offices, transfer offices, or in the office of a division superintendent or chief clerk may be transferred and assigned to any classification of railway post offices, terminal railway post offices, transfer offices, or to an office of a division superintendent or chief clerk under such regulations as the Postmaster General may deem proper.

"Clerks assigned as clerks in charge of crews consisting of more than one clerk shall be clerks of grades 5 to 10, inclusive, and may be promoted one grade only after three years' continuous, satisfactory, and faithful service in such capacity.

"A clerk who fails of promotion because of unsatisfactory service may be promoted at the beginning of the second quarter thereafter or any subsequent quarter for satisfactory and faithful service during the intervening period.

"Clerks in the highest grade in their respective lines or other assignments shall be eligible for promotion to positions of clerks in charge in said lines or corresponding positions in other assignments, and clerks assigned as assistant chief clerks and clerks in charge of crews consisting of more than one clerk, either assigned to the line, the transfer service, or to a terminal railway post office, and clerks in the highest grades in offices of division superintendents in their respective divisions shall, after two years of continuous service in such capacity, be eligible for promotion to positions of chief clerks in said division for satisfactory, efficient, and faithful service during the preceding two-year period under such regulations as the Postmaster General shall prescribe.

"Whenever a clerk shall have been reduced in salary for any cause he may be restored to his former grade or advanced to an intermediate grade at the beginning of any quarter following the reduction for satisfactory and faithful service during the intervening period.

"In filling positions below that of chief clerk no clerk shall be advanced more than one grade in a period of a year.

"All clerks appointed to the Railway Mail Service and to perform duty on railway post offices shall reside at some point on the route to which they are assigned; but railway postal clerks appointed prior to February 28, 1895, and now performing such duty shall not be required to change their residences, except when transferred to another line: *Provided, however*, that because of the reclassification herein provided no clerk shall receive less salary than before the passage of this act. All laws and parts of laws in conflict herewith are hereby repealed.

"Sec. 8. That hereafter postage shall be paid on matter of the fourth class at the rate of 12 cents per pound, except as herein provided.

"That no article, package, or parcel shall be mailable as matter of the fourth class which exceeds 11 pounds in weight, except as herein provided.

"That, on each and all rural mail-delivery routes of the United States the postmaster at the starting point of such route shall, until June 30, 1914, receive and deliver to the carrier or carriers of said routes all articles, parcels, or packages not prohibited to the mails by law and falling under the definition of fourth-class matter and not weighing in excess of 11 pounds for transportation and delivery on said routes only; and the carriers shall receive at intermediate points on all rural routes such mail matter of the fourth class for delivery on their respective routes only.

"That postage shall be paid on all articles, parcels, or packages entitled to transportation under the provisions of this act as matter of the fourth class on rural mail-delivery routes only at the following rates: One cent for each 2 ounces or less, 2 cents for more than 2 ounces but not more than 4 ounces, 3 cents for more than 4 ounces but not more than 8 ounces, 4 cents for more than 8 ounces but not more than 12 ounces, 5 cents for more than 12 ounces but not more than a pound, and 2 cents per pound for each additional pound or fraction thereof up to and including a total of 11 pounds. That the Postmaster General shall make all rules and regulations necessary and not inconsistent with law to the proper execution of this act.

"That for the purpose of a full and complete inquiry and investigation into the feasibility and propriety of the establishment of a general parcel-post commission of six persons, three of whom shall be appointed by the Speaker of the House of Representatives and three by the President of the Senate, is constituted, with full power to appoint clerks, stenographers, and experts to assist them in this work. They shall review the testimony already taken on the subject of parcel post by Senate and House committees and take such other testimony as they deem desirable. For the purpose of defraying the expenses of this commission the sum of \$25,000 is hereby appropriated, out of the moneys in the Treasury not otherwise appropriated.

"Sec. 9. That from and after the 1st day of July, 1912, the compensation of rural letter carriers for carrying the mail six days each week on standard routes of 24 miles in length shall be the sum of \$1,074 per annum, to be paid monthly; and on routes exceeding 24 miles in length, the sum of \$44.75 per mile per annum for each mile in excess of 24 miles; and on routes under 24 miles in length, a corresponding reduction of compensation per mile per annum shall be paid; on routes carrying the mail three days of each week of the same length as above, the pay shall be one-half the compensation there provided.

"Sec. 10. That after June 30, 1912, experimental mail delivery may be established, under such regulations as the Postmaster General may prescribe, in towns and villages having post offices of the second or third class that are not by law now entitled to free-delivery service, and the sum of \$100,000 is hereby appropriated to enable postmasters to employ the necessary assistance to deliver the mail in such villages, and the amount to be expended at any office shall not exceed \$1,800 a year.

"Sec. 11. That the sum of \$400,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Postmaster General to continue the establishment, maintenance, and extension of postal savings depositories, including the reimbursement of the Secretary of the Treasury for expenses incident to the preparation, issue, and registration of the bonds authorized by the act of June 25, 1910: *Provided*, That out of such sum an amount not to exceed \$10,000 may be expended for the rental, if necessary, of quarters for the central office of the Postal Savings System in the District of Columbia: *And provided further*, That all expenditures in the Postal Savings System shall be audited by the Auditor for the Post Office Department: *And provided further*, That the Postmaster General shall select and designate the post offices which are to be postal savings depository offices, and shall appoint and fix the compensation of such superintendents, inspectors, and other employees as may be necessary in conducting, supervising, and directing the business of such offices, including the employees of a central office at Washington, D. C., and shall prescribe the hours during which postal savings depository offices shall remain open. He shall also from time to time make rules and regulations with respect to the deposits in and withdrawals of

moneys from postal savings depositories and the issue of pass books or such other devices as he may adopt as evidence of such deposits or withdrawals. The provisions of the act approved June 25, 1910, are hereby modified accordingly. The unexpended balance of the appropriation for the fiscal year 1912 of \$500,000 made by section 5 of the act approved March 4, 1911, for the Postal Savings System, is hereby reappropriated and made available during the fiscal year 1913 for the purposes mentioned in this section.

"Sec. 12. That the provision in the act making appropriations for the service of the Post Office Department, approved May 27, 1908, authorizing the designation of enlisted men of the Navy as Navy mail clerks and assistant Navy mail clerks, be amended to include in such designation enlisted men of the Marine Corps, by the insertion in the said provision, after the words 'United States Navy,' the words 'or Marine Corps.'

It shall also be in order, notwithstanding the general rules of the House, to consider in connection with said H. R. 21279 the following:

First, in connection with section 8 of the bill the following:

"That in order to promote the postal service and more efficiently regulate commerce between the several States, the Territories of the United States, the District of Columbia, the possessions of the United States, and foreign nations the contracts and agreements and arrangements of the several express companies with the several railroad companies or other common carriers of the United States, its Territories, and the District of Columbia relating to the collecting, receiving, caring for, storing, dispatching, forwarding, and delivering by such railroad company or other common carriers of parcels, packets, and packages, and other express matter, as well as the franchises, operating equipment, cars, vehicles, horses, buildings, leases, as lessees, of buildings used in the conduct of the express business, and all other property or rights and privileges owned and used by such express companies as necessary and privileges to such collecting, receiving, caring for, storing, dispatching, forwarding, and delivering of such parcels, packets, packages, and express matter, are hereby declared to be, and the same are hereby, condemned and appropriated to and for the United States of America, to be used by it for such public purposes as may be proper in its various functions. That the words 'express company' as used in this act, shall be construed to include any corporation, joint-stock company, association, partnership, and individual, as far as engaged in the collecting, receiving, caring for, storing, dispatching, forwarding, and delivering of parcels, packets, packages, and other express matter, by rail or water. And the words 'railroad' or 'railway company' shall be construed to include any transportation agency by rail or water as far as used as a post route or in carrying express matter. On and after July 1, 1913, any railroad, steamship, or other transportation agency having a contract with any express company subject to this act shall transport and carry for the Post Office Department all matter transportable under said contract, and shall execute and perform with respect to such Post Office Department all such duties as have been customary under such contract in relation to the express company or companies named therein, and shall permit its agents and employees when required to continue to discharge such services in respect thereto, and upon like terms, without interference on its part.

"DUTY OF PRESIDENT AND POSTMASTER GENERAL.

"Sec. 2. That it shall be the duty of the President on the 1st day of July, 1913, to take charge and possession of all the property of such express companies condemned and appropriated by this act, in the name of and by the authority of the United States of America; and thereupon it shall be the duty of the Postmaster General to employ said property and facilities in conjunction with the postal service, and to henceforth conduct said express service.

"POWERS OF POST OFFICE DEPARTMENT.

"Sec. 3. That it shall be the duty of the Postmaster General to make and promulgate such rules and regulations for carrying into effect the provisions of this act as he may deem necessary, not in conflict with the Constitution or laws of the United States: *Provided*, That all such rules and regulations shall be subject to review and revision by the Interstate Commerce Commission and the courts in like manner and with like effect as if said rules and regulations had been made and promulgated by a railway company or other common carrier.

"COMPENSATION FOR RAILROAD TRANSPORTATION.

"Sec. 4. That during the months of August and December, 1912, and April, 1913, the weights of matter carried over the respective railroads, under contracts with the express companies during the pendency thereof, shall be taken for each railroad company in respect to such contract, under regulations to be provided by the Post Office Department; and the amount of money paid for the carriage thereof to the railroad shall be divided by the mileage of such railroad over which such matter is carried; and thereafter the Postmaster General shall, if the railroad company consent thereto, cause to be paid to such railroad company the amount per mile owing to such railroad under such contract as thus computed; and thereafter annually at such times as may be determined upon by the Postmaster General such matter shall be weighed, and the railroad company shall be paid monthly for the excess weight carried by it, over the first weighing herein provided, such sums as may be agreed upon for such excess weight; but if such Postmaster General and such railroad company shall fail to agree upon a basis of compensation for such excess weights, then the same shall be paid for according to the terms and provisions of the contract condemned in such case.

"RENEWAL OF TRANSPORTATION CONTRACTS.

"Sec. 5. That at the expiration or termination of any contract between an express company and a railroad condemned by this act (or at any time before, if such railroad company shall consent thereto) the Postmaster General may contract with such railroad company for the transportation of postal express matter; and if deemed advantageous, upon cars provided by the postal department, which may be transferred without unloading onto the lines of other railroad companies, at such rates of compensation and upon such principles of computation thereof as may be agreed upon, with the right of review and revision of the same by the Interstate Commerce Commission as hereinafter provided. And in case the Postmaster General and such railroad company, after the expiration or termination of the contract with an express company, shall fail to agree upon the terms and provisions of the renewal thereof, they shall submit their respective contentions with reference thereto to the said Interstate Commerce Commission, which shall thereupon have plenary power to declare the terms and provisions which said contract shall contain; but from any determination with respect to any such contract the terms and provisions of which have been so declared by the said Interstate Commerce Commission an appeal shall lie to the Court of Commerce, which shall enjoy like power to amend and revise the same.

"APPRAISEMENT OF EXPRESS COMPANIES.

"SEC. 6. That immediately after the passage of this act it shall be the duty of the Interstate Commerce Commission to appraise the value of the property condemned and appropriated by the United States of America in section 1 of this act and award to the respective express companies just compensation therefor. Each commissioner shall take oath to justly perform such duties before some judge of the courts of the United States. The said Interstate Commerce Commission shall have power, and it shall be its duty to summon witnesses, with books and papers, before it, for either of the parties, and require such witnesses to testify, and it shall give to each party a full hearing; and it shall be the duty of such commission, on or before the 7th day of May, 1913, to file a separate award of appraisal for each express company condemned under this act, with respect to the property condemned, and give notice of the filing of such award to the Postmaster General and to such express company. And if either party shall be dissatisfied with the amount of said award, the same may, upon appeal by either party, be reviewed and revised by the Court of Commerce, sitting as a court of review, with respect thereto; and from its determination a further appeal may be taken by either of the parties to the Supreme Court of the United States.

"PROVISIONS FOR COMPENSATION OF EXPRESS COMPANIES.

"SEC. 7. That the Secretary of the Treasury is hereby authorized and directed to make payment to such express companies of the money adjudged to be due them, as aforesaid, out of the Treasury of the United States, and said express companies shall be entitled to payment of such final award as compensation from the Treasury of the United States and the Treasurer thereof, and the amounts of said award are hereby appropriated to the parties entitled thereto out of the Treasury of the United States.

"DUTIES OF COMMON CARRIERS.

"SEC. 8. That any willful failure or refusal by any railroad company or other common carrier, subject to the provisions of this act, to perform any service required by this act or by any lawful rule or regulation made and promulgated by the Postmaster General in pursuance of this act, or of any lawful ruling, finding, or determination of the Interstate Commerce Commission, or of any order, judgment, or decree of any court of the United States of competent jurisdiction shall constitute a misdemeanor which, upon indictment and conviction, shall be punished by a fine not exceeding \$1,000.

"POWERS OF POSTMASTER GENERAL.

"SEC. 9. That the Postmaster General shall have power to rent, lease, or purchase real estate and personal property, supplies, cars, and equipment for use by his department for the purposes of this act. He shall have power to condemn in the name of the United States any property, real, personal, or mixed, which he may deem necessary for the efficient operation of the service, but the said Interstate Commerce Commission shall first value and file its award therefor as hereinbefore specified."

Second. On page 25, at the end of line 8 of H. R. 21279, the following:

"That for the purposes of this act certain highways of the several States, and the civil subdivisions thereof, are classified as follows:

"Class A shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practically necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide composed of shells, vitrified brick, or macadam, graded, crowned, compacted, and maintained in such manner that it shall have continuously a firm, smooth surface, and all other roads having a road track not less than 9 feet wide of a construction equally smooth, firm, durable, and expensive, and continuously kept in proper repair. Class B shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practically necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide composed of burnt clay, gravel, or a proper combination of sand and clay, sand and gravel, or rock and gravel, constructed and maintained in such manner as to have continuously a firm, smooth surface. Class C shall embrace roads of not less than 1 mile in length upon which no grade shall be steeper than is reasonably and practically necessary in view of the natural topography of the locality, with ample side ditches, so constructed and crowned as to shed water quickly into the side ditches, continuously kept well compacted and with a firm, smooth surface by dragging or other adequate means, so that it shall be reasonably passable for wheeled vehicles at all times. That whenever the United States shall use any highway of any State, or civil subdivision thereof, which falls within classes A, B, and C, for the purpose of transporting rural mail, compensation for such use shall be made at the rate of \$25 per annum per mile for highways of class A, \$20 per annum per mile for highways of class B, and \$15 per annum per mile for highways of class C. The United States shall not pay any compensation or toll for such use of such highways other than that provided for in this section, and shall pay no compensation whatever for the use of any highway not falling within classes A, B, or C. That any question arising as to the proper classification of any road used for transporting rural mail shall be determined by the Secretary of Agriculture. That the compensation herein provided for shall be paid at the end of each fiscal year by the Treasurer of the United States upon warrants drawn upon him by the Postmaster General to the officers entitled to the custody of the funds of the respective highways entitled to compensation under this act.

"The provisions of this paragraph shall go into effect on the 1st day of July, 1913."

Third. After line 15, page 28, of H. R. 21279 the following:

"That it shall be unlawful for any person or persons, or association or corporation, to enter or to have entered into the mails of the United States any newspaper, magazine, or other periodical of like kind, unless such publication shall have plainly printed in a conspicuous place therein the name or names of the managing editor or managing editors, the name or names of the publisher or publishers, and the name or names of the owner or owners, including all stockholders owning stock of the par value of \$500 or more, of such periodical publication. Any person, association, or corporation who shall violate any provision of this act shall be punished, for each violation of any provision thereof, by a fine of not less than \$100 nor more than \$1,000."

On the subject of parcel post and postal express, when reached in order, there shall be 15 hours of general debate, and on the other subjects included in this resolution there shall be 5 hours of general debate, to follow immediately on the adoption of this resolution.

During the reading of the foregoing the following occurred:

Mr. CANNON (interrupting the reading). Mr. Speaker, those of us who have not seen this rule can not follow the rapid and unusual reading of the Clerk.

Mr. HENRY of Texas. Mr. Speaker, I will state to the gentleman that 500 copies of this rule have been printed and placed before Members.

Mr. CANNON. Precisely; but I suppose the rule is to be considered at once, and for one, not having seen it until this morning, I would like to follow the reading of the Clerk.

The SPEAKER. The House will be in order. The Clerk will read slowly and distinctly.

The Clerk then concluded the reading of the resolution.

Mr. HENRY of Texas. Mr. Speaker, I desire to have corrected a clerical error which appears in the report which has just been read. On page 7 of the report, in the first line at the top of the page, the figure "8," after the word "line," should be "7," and I ask unanimous consent to have that correction made.

The SPEAKER. The gentleman from Texas asks unanimous consent to substitute for the figure "8," after the word "line" in the first line on page 7 of the report, the figure "7." Is there objection?

There was no objection, and it was so ordered.

Mr. HENRY of Texas. Mr. Speaker, I will ask the gentleman from Pennsylvania how much time he thinks he or his side would desire for debate on the rule?

Mr. DALZELL. Mr. Speaker, I would suggest to the gentleman that we have 45 minutes on a side.

Mr. MANN. Oh, Mr. Speaker, we would want more than that.

Mr. CANNON. Mr. Speaker, I should think several hours on a side should be granted. Many of us have read this rule for the first time.

Mr. HENRY of Texas. The gentleman understands that this is merely a rule to consider certain matters, and four days of general debate are provided under its provisions.

Mr. MANN. Mr. Speaker, I think we better have a few hours of general debate on the rule and less time for speaking to empty benches in general debate on the bill afterwards.

Mr. HENRY of Texas. How much time would the gentleman from Illinois suggest?

Mr. MANN. We ought to have at least several hours on a side.

Mr. HENRY of Texas. Mr. Speaker, the gentleman seems to want more time than is actually necessary. It strikes me that an hour on a side would be sufficient.

Mr. MANN. Mr. Speaker, here is a rule providing that there shall be in order on the Post Office appropriation bill the substance of another bill that has never even been reported to the House by any committee—

Mr. DALZELL. Two other bills.

Mr. MANN. Another provision making in order on the Post Office appropriation bill a bill which has been reported by the Committee on Agriculture to the House; another provision making in order on the Post Office bill a provision I think that never has been introduced into the House, certainly never has been reported to the House.

Mr. HENRY of Texas. If the gentleman from Illinois and the gentleman from Pennsylvania were not so wide apart, it seems we might agree. One says 45 minutes and the other several hours.

Mr. DALZELL. I spoke simply from the requests that have been made to me for time on this side.

Mr. MANN. Well, nobody could get a copy of this bill, unless members of the Committee on Rules, until this morning. I endeavored to get a copy yesterday and was unable to do so. I sent to the document room this morning and endeavored to get a copy and was unable to do so, and I could not get a copy until the House met to-day.

Mr. HENRY of Texas. It could not be made available until this morning; it was printed last night.

Mr. MANN. It could have been printed a week ago.

Mr. HENRY of Texas. It was not reported until yesterday.

Mr. MANN. I know; but it was acted upon by the committee longer ago than yesterday.

Mr. HENRY of Texas. Oh, the gentleman is entirely mistaken; we acted yesterday afternoon and it was printed as soon as possible, and we were ready to furnish a copy at any time.

Mr. MANN. I knew several days ago what the Committee on Rules had done, and I supposed it was acted upon, but I did not know whether the Committee on Rules had acted upon it, but with the matter as now printed it would be impossible for me with convenience to read it, because I do not undertake to read brevier type.

Mr. HENRY of Texas. Well, would the gentleman be satisfied with an hour and a quarter to a side?

Mr. MANN. Oh, I think we ought to have longer time.

Mr. HENRY of Texas. How much would the gentleman like to have?

Mr. MANN. Why not see how much the House wants?

Mr. HENRY of Texas. I am trying to do that now.

Mr. MANN. Why not proceed and see?

Mr. HENRY of Texas. I want to come to an agreement about time if I can.

Mr. SAMUEL W. SMITH. Will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Michigan?

Mr. HENRY of Texas. I do.

Mr. SAMUEL W. SMITH. I would like to ask this question: Why can not we proceed to-day with the other portions of the Post Office bill and then bring this rule up to-morrow when we all would have an opportunity to read the rule and think and talk about it in the meantime?

Mr. HENRY of Texas. There are other important matters to-morrow, and they will have to come up.

Mr. SAMUEL W. SMITH. Then let it come up on Saturday, if you please.

Mr. HENRY of Texas. There are also important matters for Saturday.

Mr. SAMUEL W. SMITH. Then on Monday.

Mr. HENRY of Texas. You will have four days for general debate after this rule is adopted to discuss the merits of it.

Mr. LANGLEY. Mr. Speaker—

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Kentucky [Mr. LANGLEY]?

Mr. HENRY of Texas. I do.

Mr. LANGLEY. I desire to ask the gentleman from Texas to yield to me to submit a parliamentary inquiry, which is whether it is in order to offer an amendment to this rule to return to a section of the bill upon which the committee has already passed; and if so, when that amendment will be in order?

The SPEAKER. It will be in order, if it is germane, until after the previous question is ordered.

Mr. LANGLEY. Mr. Speaker, I desire to give notice that I shall offer such an amendment to that section—

Mr. MANN. May I ask the gentleman from Texas if he is going to move the previous question on the rule?

Mr. HENRY of Texas. I do not like to, but probably shall have to do it. I would like for the House to have at least an hour and a quarter or an hour and a half to a side, if the gentleman will agree, to discuss this rule.

Mr. MANN. I am speaking of the previous question as applied to amendments to the rule, whether it is the intention of the gentleman to permit the House to pass upon propositions affecting the different propositions in the bill by amendment, to strike out anything in the rule, or to insert additional matter in the rule by way of amendment?

Mr. HENRY of Texas. Yes; it is my intention to move the previous question.

Mr. LANGLEY. Mr. Speaker, I had not finished when I was interrupted. I was going to say that it is my purpose to offer at the proper time an amendment proposing to return to that section that was amended by the adoption of a proviso abolishing Sunday service.

The SPEAKER. The gentleman would have that privilege unless the previous question was ordered and providing his amendment was germane to anything in the proposed rule.

Mr. LANGLEY. Mr. Speaker, I will endeavor to make it germane.

Mr. CAMPBELL. Will my colleague on the Committee on Rules let the debate run for a time, and see about how much will be required?

Mr. HENRY of Texas. I would prefer not to do that if we can come to an agreement. I am willing to agree to 3 hours discussion on this rule, 1 hour and 30 minutes on a side. In addition, there will be 4 days general debate on all propositions in here, and then a discussion under the 5-minute rule, and that will give abundance of time.

Mr. CAMPBELL. In making the suggestion, I was thinking that it would not consume as much as three hours under the five-minute rule.

Mr. HENRY of Texas. And that is twice as much as the gentleman from Pennsylvania [Mr. DALZELL], who has been always conservative as to granting time, has asked for.

Mr. CAMPBELL. I hardly think that three hours will be consumed in this debate.

Mr. HENRY of Texas. Mr. Speaker, I ask unanimous consent that three hours of discussion be devoted to the rule, and that at the end of that time the chairman be recognized for the purpose of moving the previous question on the rule, and that the time be equally divided between this side and the other side of the House.

The SPEAKER. The gentleman from Texas asks unanimous consent that debate on this rule be limited to three hours, one half to be controlled by himself and the other half by the gen-

tleman from Pennsylvania [Mr. DALZELL], at the end of which time the gentleman from Texas [Mr. HENRY] will be recognized to move the previous question.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Illinois will state it.

Mr. MANN. If three hours of general debate should be allowed—an hour and a half on a side—would not the gentleman from Texas [Mr. HENRY] be entitled to the floor at the end of three hours and have the right to move the previous question?

Mr. HENRY of Texas. I think so.

The SPEAKER. The Chair thinks so; but the gentleman put it in his request and the Chair did not see any particular harm in stating the request as made.

Mr. MANN. If the gentleman would have the right, an objection to it would not make any difference.

The SPEAKER. At the end of three hours the gentleman in charge of the resolution can move the previous question.

Mr. LEVER. Will the gentleman from Texas yield for a question?

Mr. HENRY of Texas. I yield for a question.

Mr. LEVER. Mr. Speaker, there are a number of propositions involved in this rule, some coming from one committee and some from another committee. On the parcel-post and postal-express proposition there are to be 15 hours of general debate, and on other propositions involved in the bill, including the road proposition, coming from the Agricultural Committee, there are to be five hours of general debate. I would like to ask the gentleman who will control the time on each proposition?

Mr. HENRY of Texas. As I understand it, an agreement has already been reached by which the time is to be controlled by the gentleman from Tennessee [Mr. MOON] on one side and the senior Republican [Mr. DALZELL] on the other side of the House.

Mr. LEVER. I had in mind that inasmuch as the propositions came from different committees, the time might be controlled by the members of the committees from which the propositions came.

Mr. HENRY of Texas. I think there will be no trouble about an agreement as to division. The gentleman from Tennessee [Mr. MOON] is fair.

Mr. LEVER. We all concede that; but I thought the gentleman had something in his mind as to the matter about which I have spoken.

Mr. MURDOCK. Mr. Speaker—

The SPEAKER. Does the gentleman from Texas [Mr. HENRY] yield to the gentleman from Kansas [Mr. MURDOCK]?

Mr. HENRY of Texas. I do.

Mr. MURDOCK. I want to ask a question about this rule. The first paragraph says:

Resolved, That after the adoption of this rule it shall be in order, in the consideration of H. R. 21279, a bill making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes, to consider the new legislation on said bill hereinafter mentioned notwithstanding the general rules of the House.

Now, my understanding is that the gentleman and the Committee on Rules were trying to save these provisions from a point of order as to their being new legislation. Now, does not the language of the resolution here also save these provisions from all other points of order? Would it be possible under this rule, if adopted, to make a point of order under the Holman rule against certain amendments?

Mr. HENRY of Texas. Oh, I think that the rule preserves those matters, so that they may be considered by the House.

Mr. MURDOCK. This is pretty broad, I will say to the gentleman.

Mr. HENRY of Texas. Yes; it is very broad. It was intended to be broad, so that the House might consider these matters of legislation.

Now, Mr. Speaker, I ask that the request be submitted.

Mr. CANNON. Mr. Speaker, as I understand from a hasty hearing of the reading of the rule, this rule, if adopted, makes in order any general legislation touching matters referred to by way of amendments that are germane.

Mr. HENRY of Texas. The gentleman is entirely correct. Mr. Speaker, I ask that the request be submitted to the House.

The SPEAKER. The gentleman from Texas [Mr. HENRY] asks unanimous consent that debate on this proposed rule be limited to three hours, one half of the time to be controlled by himself and the other half by the gentleman from Pennsylvania [Mr. DALZELL], and that at the end of the three hours he be recognized to move the previous question. Is there objection?

Mr. LANGLEY. Mr. Speaker, that means that I will not have the privilege of offering the amendment which I indicated a while ago. It has not yet been prepared. I am working on it now, and I do not want to be cut off.

The SPEAKER. That means, if the previous question is sustained, that the gentleman will be cut out. If it is voted down, anybody can offer an amendment that is germane.

Mr. LANGLEY. Yes; I know that. I will ask the gentleman from Texas [Mr. HENRY] if he will not agree that at the close of the general debate, before he moves the previous question, I may—

Mr. HENRY of Texas. Mr. Speaker, I can not hear what the gentleman says.

Mr. LANGLEY. I was explaining that I have not yet had an opportunity to prepare the amendment to which I referred a moment ago, but that I am getting it ready, and I want consent to offer it before you are recognized to move the previous question.

Mr. HENRY of Texas. What is the gentleman's amendment?

Mr. LANGLEY. I want to propose an amendment which will provide that a motion will be in order to return to the paragraph of the bill to which an amendment was adopted by the committee the other day abolishing Sunday post-office service.

Mr. FINLEY. That is in the Post Office bill?

Mr. LANGLEY. Certainly.

Mr. HENRY of Texas. I have no objection to the gentleman's getting unanimous consent to return to that part of the bill and offering an amendment.

Mr. FINLEY. Mr. Speaker—

Mr. LANGLEY. Yes; but somebody else might have objection.

The SPEAKER. Does the gentleman yield to the gentleman from South Carolina?

Mr. HENRY of Texas. I do.

Mr. FINLEY. It will be in order to move to return to that, I take it, if it is the will of the House. There will be no trouble about that.

Mr. LANGLEY. My understanding of the rule is different, if the gentleman means it can be done by a majority vote. I understand that it will require unanimous consent to return to that paragraph.

Mr. FINLEY. The rule under consideration does not apply to the provisions of the bill that have been passed over.

Mr. LANGLEY. Of course not. That is just what I am driving at. I want to amend it so that it will apply.

Mr. FINLEY. The rule under consideration here has no reference to the body of the bill, which has been read under the five-minute rule. It has no reference at all to it.

Mr. LANGLEY. Everybody knows that, I take it, unless it is the gentleman from South Carolina.

Mr. FINLEY. Of course, I understand the gentleman from Kentucky has another idea about it; otherwise he would not be attempting to amend the rule here.

Mr. FITZGERALD. If the gentleman from Kentucky will consult me privately about it, I can tell him how that can be done. [Laughter.]

Mr. LANGLEY. I know the gentleman from New York thinks he can tell me, and doubtless he can to his satisfaction, but—

Mr. FITZGERALD. When the bill is in the House the gentleman can demand a separate vote on that amendment.

Mr. LANGLEY. Of course, I understand that; but there will be no opportunity for debate then, and I have secured some important data since the amendment was adopted that I want to bring to the attention of the committee.

Mr. RAKER. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Texas [Mr. HENRY] yield to the gentleman from California [Mr. RAKER]?

Mr. HENRY of Texas. I yield for a question.

Mr. RAKER. A question, that is all, on the first part of the rule, which provides, following the word "Resolved"—

That after the adoption of this rule it shall be in order in the consideration of H. R. 21279—

And then it goes on to say that the new legislation shall be considered. I want to ask the gentleman a question, whether or not, in considering this new legislation, or any part of it, Members will be permitted to add amendments to the proposed new legislation set out in the rule?

Mr. HENRY of Texas. Undoubtedly, if they are germane.

Mr. RAKER. Just one more question. Would the subject of star routes be germane to the bill where it provides for parcel-post on rural-delivery routes?

Mr. HENRY of Texas. The gentleman would have to ask the Chairman of the Committee of the Whole to make that ruling. I do not happen to be in touch with him, and do not know his idea.

Mr. RAKER. I would like to get a little information on that matter, as I think the question of star routes ought to be con-

sidered with reference to parcel post when applied to rural routes.

Mr. HENRY of Texas. Mr. Speaker, I think probably the gentleman will have no difficulty when he gets to that.

The SPEAKER. Is there objection?

Mr. LANGLEY. Mr. Speaker, if the gentleman from Texas [Mr. HENRY] will consent that I may have the opportunity of offering this amendment before the previous question is put, I shall not object.

Mr. SHERLEY. If the gentleman from Texas does consent, I will object.

The SPEAKER. Is there objection?

Mr. LANGLEY. I object.

Mr. HENRY of Texas. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Texas moves the previous question.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and eighty-three Members present, not a quorum. The Doorkeeper will close the doors; the Sergeant at Arms will notify the absentees. Those in favor of ordering the previous question will, when their names are called, answer "aye," those opposed will answer "no," and the Clerk will call the roll.

The question was taken; and there were—yeas 164, nays 114, answered "present" 13, not voting 100, as follows:

YEAS—164.

Adair	Dixon, Ind.	Hull	Roddenberry
Aiken, S. C.	Donohoe	Humphreys, Miss.	Rothermel
Alexander	Doremus	Jacoway	Rouse
Allen	Driscoll, D. A.	Johnson, Ky.	Rubey
Ansberry	Dupré	Johnson, S. C.	Rucker, Mo.
Ashbrook	Edwards	Jones	Russell
Austin	Ellerbe	Kindred	Saunders
Ayres	Estopinal	Kinhead, N. J.	Scully
Barnhart	Evans	Kitchin	Shackleford
Bathrick	Faison	Konop	Sharp
Beall, Tex.	Fergusson	Korby	Sherrwood
Bell, Ga.	Ferris	Lamb	Sisson
Blackmon	Finley	Lingham	Slemp
Boehne	Flood, Va.	Lee, Pa.	Small
Booher	Floyd, Ark.	Legare	Smith, N. Y.
Borland	Foster	Lever	Smith, Tex.
Broussard	Fowler	Lewis	Stedman
Brown	Francis	Lithicum	Stephens, Miss.
Buchanan	Garner	Littlepage	Stephens, Nebr.
Bulkley	Garrett	Lloyd	Stephens, Tex.
Burke, Wis.	George	McDermott	Stone
Burnett	Glass	McGillcuddy	Sulzer
Byrnes, S. C.	Godwin, N. C.	McKellar	Sweet
Byrns, Tenn.	Goeke	Macon	Talbot, Md.
Candler	Goodwin, Ark.	Maguire, Nebr.	Talcott, N. Y.
Cantrill	Graham	Maher	Taylor, Colo.
Carlin	Gray	Martin, Colo.	Townsend
Carter	Gregg, Pa.	Moon, Tenn.	Tribble
Claypool	Hanlin	Murray	Turnbull
Cline	Hammond	Oldfield	Tuttle
Collier	Hardwick	O'Shaunnessy	Underhill
Conry	Hardy	Padgett	Underwood
Covington	Harrison, Miss.	Page	Watkins
Cullop	Hay	Peters	Webb
Daugherty	Hayden	Porter	Whitacre
Davenport	Helm	Post	White
Davis, W. Va.	Henry, Tex.	Raker	Wickliffe
Dent	Holland	Rauch	Wilson, N. Y.
Denver	Howard	Redfield	Wilson, Pa.
Dickinson	Hughes, Ga.	Reilly	Witherspoon
Difenderfer	Hughes, N. J.	Richardson	Young, Tex.

NAYS—114.

Akin, N. Y.	Esch	Lee, Ga.	Payne
Anderson, Minn.	Farr	Lenroot	Pepper
Anthony	Fitzgerald	Livy	Pickett
Bartholdt	Focht	Lindbergh	Plumley
Bartlett	Foss	Littleton	Pray
Bates	French	Longworth	Prince
Berger	Gardner, N. J.	Loud	Prouty
Bowman	Gillett	McGuire, Okla.	Rees
Brantley	Goldfogle	McKenzie	Roberts, Mass.
Browning	Good	McKinney	Sherley
Burke, S. Dak.	Green, Iowa	McLaughlin	Slayden
Burleson	Hamilton, Mich.	Malby	Sloan
Butler	Harris	Mann	Smith, J. M. C.
Caldor	Hartman	Martin, S. Dak.	Smith, Saml. W.
Campbell	Hawley	Miller	Speer
Cannon	Hayes	Mondell	Steenerson
Catlin	Helgesen	Moore, Pa.	Sulloway
Cooper	Higgins	Morgan	Tilson
Crumacker	Howland	Morrison	Towner
Curler	Hubbard	Morse, Wis.	Volstead
Curry	Humphrey, Wash.	Mott	Warburton
Dalzell	Kendall	Murdock	Wedemeyer
Danforth	Kent	Nedham	Wilder
Davis, Minn.	Kinkaid, Nebr.	Nelson	Willis
Dies	Knowland	Norris	Wood, N. J.
Dodds	Kopp	Nye	Young, Kans.
Draper	Lafan	Palmer	Young, Mich.
Dyer	LaFollette	Farran	
	Langley	Patton, Pa.	

ANSWERED "PRESENT"—13.

Anderson, Ohio	Fuller	McMorran	Stevens, Minn.
Andrus	Gregg, Tex.	Moon, Pa.	
Burgess	Hobson	Powers	
Davidson	McCall	Riordan	

NOT VOTING—100.

Adamson	Gallagher	Konig	Rodenberg
Ainey	Gardner, Mass.	Lafferty	Rucker, Colo.
Ames	Gould	Lawrence	Sabath
Barchfeld	Greene, Mass.	Lindsay	Sells
Bradley	Griest	Lobeck	Sheppard
Burke, Pa.	Gudger	McCoy	Sims
Callaway	Guernsey	McCreary	Sims
Clark, Fla.	Hamill	McHenry	Smith, Cal.
Clayton	Hamilton, W. Va.	McKinley	Sparkman
Connell	Hanna	Madden	Stack
Copley	Harrison, N. Y.	Matthews	Stanley
Cox, Ind.	Haugen	Mays	Stephens, Cal.
Cox, Ohio	Heald	Moore, Tex.	Sterling
Crago	Heflin	Moss, Ind.	Switzer
Cravens	Henry, Conn.	Neeley	Taggart
Curley	Hensley	Olmsted	Taylor, Ala.
De Forest	Hill	Patten, N. Y.	Taylor, Ohio
Dickson, Miss.	Hinds	Pou	Thayer
Doughton	Houston	Pujo	Thistlewood
Driscoll, M. E.	Howell	Rainey	Thomas
Dwight	Hughes, W. Va.	Randell, Tex.	Utter
Fairchild	Jackson	Ransdell, La.	Vreeland
Fields	James	Reyburn	Weeks
Fordney	Kahn	Roberts, Nev.	Wilson, Ill.
Fornes	Kennedy	Robinson	Woods, Iowa

So the previous question was ordered.

The following pairs were announced:

For the session:

Mr. RIORDAN with Mr. ANDRUS.

Mr. PUJO with Mr. McMORRAN.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. FURNES with Mr. BRADLEY.

Until further notice:

Mr. SIMS with Mr. WILSON of Illinois.

Mr. SHEPPARD with Mr. WOODS of Iowa.

Mr. SABATH with Mr. VREELAND.

Mr. RUCKER of Colorado with Mr. UTER.

Mr. THOMAS with Mr. SWITZER.

Mr. TAGGART with Mr. STERLING.

Mr. STANLEY with Mr. STEPHENS of California.

Mr. STACK with Mr. SMITH of California.

Mr. ROBINSON with Mr. SIMMONS.

Mr. RANDELL of Louisiana with Mr. SELLS.

Mr. RANDELL of Texas with Mr. ROBERTS of Nevada.

Mr. POU with Mr. OLMSTED.

Mr. PATTEN of New York with Mr. MATTHEWS.

Mr. NEELEY with Mr. MCKINLEY.

Mr. MOSS of Indiana with Mr. MCCREARY.

Mr. MOORE of Texas with Mr. DWIGHT.

Mr. MCHENRY with Mr. LAWRENCE.

Mr. MCCOY with Mr. KAHN.

Mr. LOBECK with Mr. JACKSON.

Mr. LINDSAY with Mr. HUGHES of West Virginia.

Mr. KONIG with Mr. HOWELL.

Mr. HEFLIN with Mr. HILL.

Mr. HAMILL with Mr. HENRY of Connecticut.

Mr. GUDGER with Mr. HEALD.

Mr. FIELDS with Mr. GUERNSEY.

Mr. DOUGHTON with Mr. GREENE of Massachusetts.

Mr. DICKSON of Mississippi with Mr. CRAGO.

Mr. CURLEY with Mr. FORDNEY.

Mr. CRAVENS with Mr. COPLEY.

Mr. CLAYTON with Mr. BURKE of Pennsylvania.

Mr. CLARK of Florida with Mr. BARCHFELD.

Mr. CALLAWAY with Mr. AMES.

Mr. ANDERSON with Mr. AINEY.

Mr. THAYER with Mr. GRIEST.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. GALLAGHER with Mr. FULLER.

Mr. RAINEY with Mr. MADDEN.

Mr. COX of Ohio with Mr. TAYLOR of Ohio.

Mr. HOUSTON with Mr. MOON of Pennsylvania.

Mr. TAYLOR of Alabama with Mr. RODENBERG.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. COX of Indiana with Mr. REYBURN.

Mr. HINDS with Mr. GOULD.

Mr. CONNELL with Mr. KENNEDY.

For two weeks from to-day (April 18):

Mr. JAMES with Mr. MCCALL.

From April 13 to May 4:

Mr. HENSLEY with Mr. HANNA.

From April 17 to May 1:

Mr. BURGESS with Mr. WEEKS.

From April 11 to April 21:

Mr. HAMILTON of West Virginia with Mr. DE FOREST.

From April 18 to April 21:

Mr. GREGG of Texas with Mr. MICHAEL E. DRISCOLL.

Mr. HOBSON. Mr. Speaker, did the gentleman from New York, Mr. FAIRCHILD, vote?

The SPEAKER. He did not.

Mr. HOBSON. I voted "aye." I wish to withdraw my vote and answer "present."

The Clerk called the name of Mr. HOBSON, and he answered "present," as above recorded.

The result of the vote was then announced as above recorded.

The SPEAKER. A quorum is present. Further proceedings under the call are dispensed with, and the Doorkeeper will open the doors. The gentleman from Texas has 20 minutes and the gentleman from Pennsylvania [Mr. DALZELL] 20 minutes.

Mr. HENRY of Texas. Mr. Speaker, recognizing the importance of the matters embraced in the proposed rule, I desire to submit a request for unanimous consent. I ask unanimous consent that there be two hours devoted to the discussion of the rule, one hour to be controlled by myself and one hour to be controlled by the gentleman from Pennsylvania [Mr. DALZELL].

The SPEAKER. The gentleman from Texas asks unanimous consent that debate on this rule be confined to two hours, one hour to be controlled by himself and one hour by the gentleman from Pennsylvania. Is there objection?

Mr. LANGLEY. Mr. Speaker, reserving the right to object, I want to say to the gentleman from Texas that I have been assured by the chairman of the committee and others that an understanding has been reached that the provision in the section to which I have referred, abolishing Sunday service, will be modified so as to satisfy those who are opposed to the amendment, and for that reason I no longer desire to interpose any objection to the gentleman's request.

Mr. HARDWICK. Mr. Speaker, reserving the right to object—

Mr. MANN. I will object. I will say to the gentleman from Kentucky that the matter he is interested in will be attended to later.

The SPEAKER. Does the gentleman from Illinois object to the request for two hours' debate?

Mr. MANN. No.

The SPEAKER. The gentleman from Illinois was objecting to the request of the gentleman from Kentucky.

Mr. LANGLEY. I was not making any request. I was explaining why I no longer objected to the request of the gentleman from Texas.

Mr. HARDWICK. Mr. Speaker, I ask unanimous consent to revoke the action of the House in ordering the previous question.

SEVERAL MEMBERS. That is not necessary.

The SPEAKER. It is not necessary. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none. The gentleman from Texas is entitled to one hour and the gentleman from Pennsylvania [Mr. DALZELL] to one hour.

Mr. HENRY of Texas. Mr. Speaker, it is not my purpose to devote much time to a discussion of the proposed rule. A careful reading of the same will give sufficient explanation of its terms. This rule makes it in order to consider certain matters that are on the Post Office appropriation bill as proposed items of legislation. After it is adopted these matters will be made in order for the consideration of this House. They are most important items of legislation, and for several years there has been a cry pervading the country that the capacity of this body to deliberate on important issues which the people have considered and settled has been weakened. This rule simply brings before the American Congress some of the great issues settled by the American people in order that their Representatives may cast their votes and decide whether or not the legislation shall be enacted into law.

First, the rule makes in order a proposition to consider legislation touching the establishment of the parcel post and the parcel express. These issues have been discussed by voters throughout the length and breadth of this country. We understand pretty thoroughly the temper of the American people, and the time has come when this body should consider whether or not it will pass this bill.

Mr. DIES. Mr. Speaker, will the gentleman yield?

Mr. HENRY of Texas. Certainly.

Mr. DIES. I want to ask the gentleman if these several propositions to which he refers have been referred to the committees of the House, have been considered by those committees, and if those committees have reported upon them before they were brought in by the Committee on Rules?

Mr. HENRY of Texas. All except two; and those two, as I understand it, will shortly be reported to the House; but those

can only be offered as amendments, which will be in order when the matter is reached in the bill.

Mr. DIES. Then, I want to ask the gentleman this question: What information can the ordinary layman in this House have if matters are precipitated upon the House which have not been referred to or considered or reported upon by the various committees of the House appointed for that purpose?

Mr. HENRY of Texas. They have all been reported except two, and those two will be reported and be in order as amendments; and I say to the gentleman that no Representative of the people should consider it an issue precipitated upon this House, but should be ready to meet such questions as the parcel post whenever the Rules Committee brings it before this body in order that it may consider it. [Applause.]

Mr. CAMPBELL. Mr. Speaker, will the gentleman yield?

Mr. HENRY of Texas. I can not yield further, for I have not the time.

Mr. MANN. But the gentleman said all but one proposition had been considered by committees of the House. Are there not two propositions that have not been reported by any committee?

Mr. HENRY of Texas. Oh, the Barnhart proposition respecting the ownership of newspapers has not been reported by a committee. I beg the gentleman's pardon.

Mr. CAMPBELL. I simply rose to call that to the attention of the gentleman from Texas.

Mr. SAMUEL W. SMITH. Mr. Speaker, will the gentleman yield?

Mr. HENRY of Texas. Mr. Speaker, I have not the time and can not yield.

Mr. DIES. Mr. Speaker, I believe my colleague will not do me the injustice to leave it where it is, with what he has said respecting the question of the parcel post. There is no contention about that; but is not the gentleman's proposition one for a parcel express? That has not been reported by a committee.

Mr. HENRY of Texas. My colleague is correct. That is true, but will be reported, as I understand it; and this only gives consideration.

Mr. Speaker, there is no use in all of this agitation about the consideration of these questions. If you are for a parcel post, you can vote for it; if you are opposed to it, you can vote against it; if you are for the parcel express, you can vote for it, or you may vote against it if you are against it, whenever it is reached.

As I was proceeding to say, there have been some criticisms that this body has lost its capacity for deliberation. As an humble agent and instrument of the membership of this House, let me say that I conceive it to be the duty of the Committee on Rules, whenever it is thoroughly understood that the membership desires to consider any important proposition, that we, as their agents and representatives, should bring those matters before the Congress and let them be considered in an orderly fashion. What does this rule propose? To make the parcel post and the parcel express in order to be considered, and only to be considered, when they are reached in regular order, and that there shall be devoted to their consideration 15 hours of general debate, 3 days or more; that after the general debate upon those subjects is exhausted, the Committee of the Whole House on the state of the Union then shall proceed to consider them under the 5-minute rule, and may consider them just as long as they wish. I shall not undertake to specify the various items embraced within the provisions of the rule. Most of them have been reported from the Committee on the Post Office and Post Roads, as provided for in resolution 444, introduced by the chairman of that committee. The parcel post is not the only one included in the provisions of this resolution. There are others of serious import, and most of them ought to become law.

And the only way to make them effective as the law of this country is to make them in order on this bill, so that when the Post Office appropriation bill goes through the routine of another body and comes back to this House it will have been considered, will not have been pigeonholed, and the right of the people to have consideration lost at this session and perhaps during both sessions of Congress. [Applause on the Democratic side.] That is all. Gentlemen talk about legislation by riders not being a desirable way to legislate. Why, gentlemen, if you have a meritorious proposition that you can defend, that is just, that is in the interest of the American people, I undertake to say that there is no better time to consider it than the first opportunity when you can get it before the legislative body. [Applause on the Democratic side.] Now, let us meet the questions as they are presented. They are set out at length in the proposed rule. There will be plenty of time for the membership to

read and carefully consider them, and when we have finished our work here no one can say that this House has suppressed legislation on matters of tremendous importance to the people, no one can claim that they have been sent to a committee and there pigeonholed, nor can they charge that the Committee on Rules has been recreant to the trust reposed in them. But on each and every occasion, whenever there is a demand by the membership of this House that they be given the right to consider legislation, then the committee has willingly brought it before this body to make whatever disposition is desired. There are other matters here of great importance. There is a proposal making it in order to require the owners of newspapers, magazines, and periodicals to print in a conspicuous place the names of the editors, the owners, and their stockholders, in order that the American people may see the men who stand behind the guns trained against public officials. [Applause on the Democratic side.]

Mr. SAMUEL W. SMITH. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER pro tempore (Mr. SIMS). Does the gentleman from Texas yield?

Mr. HENRY of Texas. Yes; I will yield for just one question.

Mr. SAMUEL W. SMITH. I desire to ask the gentleman why he limits this simply to the owner of \$500 worth of stock?

Mr. HENRY of Texas. Because we thought that when we can reach those who own as much as \$500 worth of stock we could reach all worth considering to rectify the evils, and if we went below \$500 worth of stock and take them in the names would be too numerous, because there would be too many stockholders. However, it is a matter of detail, and amendment can be offered when it comes before the House.

Mr. BURLESON. May I ask why the gentleman did not provide that the statement should also show the indebtedness of the newspapers and who controlled that indebtedness?

Mr. HENRY of Texas. If it is desirable to have that, then an amendment should certainly be offered, and I would gladly vote for it. Mr. Speaker, the proposed amendment establishes a principle that hereafter the newspapers and the periodicals and the journals that form public opinion are not authorized to give expression of their views unless the American people know the ownership of those weapons of public expression. Therefore I say this is an amendment that should be offered, should be in order, and made law. And I have no doubt that when we reach it Congress will place it on the Post Office appropriation bill. When it goes to the other body I predict that because it is on this appropriation bill as a rider it will remain there, come back here, and will go to the Executive of the United States and will be signed by him and become a law. Then we will know the ownership of these newspapers, magazines, journals, and so forth, before they can enter the mails of the United States.

Mr. Speaker, I believe that covers about all the features of this special rule that I desire to now discuss.

Mr. DALZELL. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, I shall vote for the adoption of this rule [applause on the Democratic side], although there are some provisions in it that I regret are found there. The gentleman from Texas, the chairman of the Committee on Rules, has given a very accurate summary of the different provisions of this rule and of the matters that will be in order if this rule be adopted. The matter that I regret that is contained in the rule is the one relating to the condemnation of the property of express companies. A bill that is not before the Committee on the Post Office and Post Roads, a bill that is now pending before the Committee on Interstate and Foreign Commerce, a bill that has not been reported upon by that committee, a bill that bristles with legal questions of the gravest nature and of the most far-reaching importance, ought not, in my judgment, be considered in this appropriation bill. But, Mr. Speaker, because I am opposed to that provision is not a reason for voting against this rule, for the reason that the good things in this rule so far outweigh the importance of those which, in my judgment, are bad that I think that every Member of this House ought to vote for the rule.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. LENROOT. Yes.

Mr. MANN. Does the gentleman doubt that if I demand, as I shall, a separate vote on the substantive proposition of this rule that we will have a right to vote upon these propositions?

Mr. LENROOT. I hope we will have.

Mr. MANN. We will, if the rules are observed.

Mr. LENROOT. If that is true, then I want to spend a moment or two further upon the question of the condemnation of the property of express companies.

Mr. MURDOCK. Mr. Speaker, before the gentleman gets on to that subject I would like to ask him if he does not think in any legislation of this moment the House ought to take it up as separate bills, have it reported from the committee, and have consideration of each of the bills separately; let them go to the Senate and be considered there, and then let the President have his chance?

Mr. LENROOT. So far as this matter is concerned—of legislation of this particular nature. But I draw this distinction, Mr. Speaker, that with reference to most of the provisions in this rule they relate to matters that are directly affected by the appropriation, or, in other words, the matters affect the appropriation, and I would draw this line, that I will favor any amendment to remove a point of order, provided that amendment or that subject matter would be germane to the matter contained in the bill itself except for the fact that it is new legislation.

Mr. MURDOCK. Would the gentleman carry that form of legislation to the point that he would suspend the point of order that that legislation was new legislation if all legislation offered were germane?

Mr. LENROOT. Not necessarily; but if the matter of appropriation is so connected with that matter of legislation that they ought to be considered together, then I would be in favor of considering them together.

Mr. SAMUEL W. SMITH. Before the gentleman proceeds I would like to ask a question. I would like to call attention to the last four lines of this rule, and ask why it was decided that 15 hours of general debate should be allowed when we reach section 8 of the bill, the question of parcel and postal express legislation, but as to other legislation in the bill there shall be but five hours immediately on the adoption of this resolution?

Mr. LENROOT. Because on the question of parcel post and express it is of such tremendous importance it could not be handled under the five-minute rule; that as to all other matters contained in the bill, they can be handled under the ordinary rules of the House.

Mr. SAMUEL W. SMITH. According to the way this reads, this is not under the five-minute rule. We are to have five hours of general debate when this rule is adopted.

Mr. LENROOT. And on that all the other rules apply when other matters are reached under the five-minute rule. So it enlarges the scope of debate rather than limits it, so far as that is concerned.

But, Mr. Speaker, to get back again to the question of express companies, I hope the gentleman is right that we may have a separate vote on that. I am not ready to say whether I favor the condemnation of the property of express companies or not. I wish to investigate that question further, but I am ready to say that that great question ought not to be considered in this appropriation bill, and, in reference to the bill itself, we do not know what this Committee on Interstate and Foreign Commerce will report. They may report a substitute. If they report the bill at all, undoubtedly they will report a large number of amendments, and yet with this rule adopted the bill as reported from the Interstate and Foreign Commerce Committee will not be in order as an amendment, but the bill as introduced and referred to the committee will be the bill that is offered as an amendment.

Mr. LONGWORTH. Will the gentleman yield?

Mr. LENROOT. I will.

Mr. LONGWORTH. When the gentleman refers to the acquisition of the property of the express company, to how much of this rule does it refer?

Mr. LENROOT. Beginning at the bottom of page 4, page 5, and all of page 6.

Mr. LONGWORTH. Thank you.

Mr. LENROOT. Here is a bill, Mr. Speaker, containing nine sections, and something that is unheard of is injecting a bill that is foreign to the committee from which this appropriation bill comes into this appropriation bill.

Mr. SHERLEY. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Wisconsin yield?

Mr. LENROOT. I will.

Mr. SHERLEY. What does the gentleman say as to the propriety of incorporating in this rule a provision touching the good-roads movement, reported by a different committee—the Committee on Agriculture?

Mr. LENROOT. Mr. Speaker, I shall be glad to answer that question. As a member of the Committee on Rules I was op-

posed to incorporating that proposition in this bill, for the reason that the gentleman suggests; but the Committee on Rules was presented with a petition signed by 235 Members of this House asking for the inclusion and consideration of that question in this bill, and I believe that whenever a majority of this House, and especially so large a majority as that, makes a request of that kind of the Committee on Rules it is the duty of the members of that committee to accede to that request, no matter how they might individually feel about it. [Applause.]

Mr. SHERLEY. If the gentleman will permit me further, it is in the power of the Committee on Rules to make in order the consideration of that measure as a separate proposition. As I understand it, the gentleman's position is that when a majority of the House, by petition, indicate their desire he should report a rule.

Mr. LENROOT. Yes; on any question as to the order in which matters are to be considered by this House I say "yes" to the gentleman.

Mr. MURDOCK. The gentleman, by the way, understands that that is making the majority of this House suspend the rules?

Mr. LENROOT. It may. If it be so, I am for that. So far as this committee is concerned, if the majority of this House at any time desires the Committee on Rules to report a special rule I am going to vote to report that special rule and give the House an opportunity to consider the matters it wants to consider. [Applause.]

Now, Mr. Speaker, again getting back to this bill for the condemnation of express companies, I want to say this: That as the bill reads it is a questionable proposition as to whether without amendment it would not require the condemnation of many of the railroads in the United States. I wonder if that has been considered, so far as the phraseology of the bill is concerned? Further, I find a provision in the bill that gives to the Commerce Court—to abolish which Commerce Court a majority has brought in a bill to this House, a thing which I am in favor of doing—the same power over these questions, with reference to rates, that the Interstate Commerce Commission has. Are you in favor of that kind of a proposition? And do you think questions of that character should be considered in this appropriation bill?

And so I might go on, if I had the time, Mr. Speaker, and point out provision after provision with reference to this bill that ought to be considered by itself.

Furthermore, it curtails the right of amendment with reference to these propositions, and in this way: That if this express bill were here as an independent proposition an amendment would be in order, and an amendment to the amendment would be in order, while if it is brought in as provided in this bill the bill itself must be offered as an amendment, and only one amendment will then be in order to the bill instead of two, as would be the case if the bill were brought in as an independent proposition.

Mr. SHERLEY. Does not the gentleman understand that as to this provision for the taking over of the express companies the bill is amendable?

Mr. LENROOT. Certainly; but only one amendment would be in order.

Mr. SHERLEY. Only one amendment would be in order at one time. Later another amendment could be presented.

Mr. LENROOT. The gentleman does not understand me.

Mr. SHERLEY. It was because I did not that I interrupted the gentleman.

Mr. LENROOT. One amendment would be in order; but if it were an independent proposition on the floor of the House an amendment would be in order and an amendment to the amendment would be in order.

Mr. SHERLEY. The difference is simply a matter of time. You vote down one amendment, and after it is voted down you offer another.

Mr. LENROOT. That is true. But if one could vote on the amendment to the amendment he might vote for the amendment itself, but no opportunity is given to perfect it.

Mr. SHERLEY. You can perfect it by offering another amendment.

Mr. LENROOT. That may be true; but it does away with the privileges of the Members of the House as to the independent proposition.

I am in favor of a parcel post—a parcel post that will protect the rights of the country merchant as well as the rights of the farmer and others who are to be benefited.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LENROOT. Can I have five minutes more?

Mr. DALZELL. I yield five minutes more to the gentleman. The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for five minutes more.

Mr. LENROOT. I am in favor of a parcel post with zone rates in it. I am in favor of putting on the statute books a parcel-post law to be followed, if necessary, afterwards by the condemnation of the property of the express companies. But I am not in favor, so far as I now understand the matter—and I want to say frankly that I reserve the right to change my mind after further investigation—I am not in favor of paying \$40,000,000 or \$50,000,000 for the property of the express companies now existing and their contracts and leases and franchises, only a title of which may perhaps be of any value whatever to this Government.

We owe nothing to the express companies of this country. No equitable considerations ought to prevail with reference to them, for they have been paying exorbitant dividends and have been exacting exorbitant rates. Whenever we do legislate upon this question I am in favor of standing strictly upon our legal rights with reference to them, without considering any matter of what otherwise they might be entitled to from an equitable consideration. [Applause.] So, Mr. Speaker, I am not in favor of paying them for their contracts, I am not in favor of paying them for their franchises. I am not in favor of condemning and paying them for their leases. If they are of any value to them afterwards, let them have them; but if this Government has any right to go into this at all, it seems to me it has a right to go into this business regardless of the express companies, and do it without paying several million dollars for property that is of no value. I hope, Mr. Speaker, that this provision will be voted out of the rule if an opportunity is offered.

I yield back the balance of my time.

Mr. DALZELL. Will the gentleman from Texas [Mr. HENRY] yield some of his time?

Mr. HENRY of Texas. I yield five minutes to my colleague from Texas [Mr. HARDY].

Mr. HARDY. Mr. Speaker, I shall vote for this rule, because my experience shows me that skillful obstructionists, by the use of parliamentary devices, can and have in the past made the enactment of laws of the very highest importance, and almost universally demanded, a matter of tedious delay, like the decisions of our courts, stretching over years, until the heart grows weary and hope grows sick.

This rule does not prevent ample and free discussion. It suppresses no right to have every measure proposed under it weighed and approved or disapproved by the representatives of the people. It simply cuts the Gordian knot of obstruction. It strips privilege of its armor of technicalities in which it has wrapped itself, so that the spear of right and justice may reach it. I shall vote for this rule because I believe that the people ought to rule and to have their judgment and their demands, as evidenced by their Representatives' votes, brought to a focus and enacted into legislation. [Applause.]

I yield back the remainder of my time.

Mr. HARDWICK. I yield five minutes to my colleague from Georgia [Mr. BARTLETT].

Mr. BARTLETT. Mr. Speaker, I shall vote against this rule. I am sorry that this side of the House has made it necessary to consider a rule of this character, and that we are returning to the old Republican methods.

In rare instances in the history of legislation has any party ever offered for the action of the House a rule of this kind, providing for the enactment, upon bills of this character, of special legislation not otherwise in order, but which is specifically prohibited by the rules. It is only in rare instances that the House has passed resolutions authorizing legislation upon appropriation bills, contrary to the rule which we ourselves have adopted and to the precedents of this House for a hundred years. I have hurriedly looked up the instances, and I find that since the provision was placed in the rules prohibiting legislating upon general appropriation bills there have been but few instances when that rule has been departed from by a special resolution. During the past 20 years I can find but 12 instances when it has been done. Those instances were to provide for the better administration of the Government, as it was claimed in each instance, and not for wholesale legislation on a variety of subjects, as this resolution authorizes. The Democratic Party during the last election went before the country and proclaimed that if we were given control of the House we would find a way to legislate, by reporting bills from the proper committees and by considering bills in the House, and we denounced in unmeasured terms the code of Cannon rules, and proclaimed we would not follow them. We have now rules of our own making, made in pursuance of the demands of the people. We have amended the rules and we

have Calendar Wednesday and two Mondays for suspension days and unanimous-consent days.

We went before the country protesting against the Cannon rules. We owe our majority, in a great measure, to that issue. But CANNON, in his palmy days of czarism, and DALZELL, for years at the head of the Republican Rules Committee, never yet brought into this House a rule so far-reaching and revolutionary as this. [Applause on the Republican side.]

I am opposed to the rule, because the Democrats are in the majority on all these committees and if they really favor legislation along these lines, let the majority of Democrats on the committees report these bills. If they can not get sufficient time on Wednesdays and these other days provided for consideration of bills, then let the Committee on Rules bring in a special rule making such bills in order and let us act on them properly, decently, and in order.

Here we have the remarkable spectacle of an appropriation bill carrying the largest amount of money of any of our appropriation bills halted when we are endeavoring to hasten the time when we shall complete our business here; halted and stopped to consider bills, some of which have but recently been reported by a committee and some of which have not been acted on or reported by any committee. Can it be that the committees of this Democratic House are smothering in committee legislation that the people demand?

Mr. Chairman, I shall not vote for this rule, because I do not think the propositions submitted ought to be considered upon this appropriation bill. I am not for some of the propositions submitted in the rule and can not vote for them now, nor do I think the House should be called upon to consider them and act upon them in this "hodgepodge" method. I shall not vote to turn over to this Government the transportation business of the express companies, nor shall I vote for this proposition, which would bring a great burden and deficit upon the Post Office Department, by which it shall be turned from being a carrier of letters into being a carrier of the freight of the country, a first step in the direction that ultimately and almost inevitably leads to Government ownership and operation of railroads, express companies, and all the other agencies of public utility by which the people are served.

I am willing to vote for the propositions embraced in the bill reported by the Committee on the Post Office and Post Roads; and if necessary to provide for their consideration in the pending bill by special rule, I will vote for such a rule. If this rule only provided for the consideration of the legislation proposed in the pending bill, I would not feel impelled to oppose it, but should support these provisions. I shall support the provision providing for the use of steel postal cars and the other provisions of the pending bill contained in sections 2 to 12, inclusive. To be more specific, I shall vote for the consideration of the following provisions of the pending bill, and if it be necessary to have a rule making their consideration in order, I would not protest against that rule.

The following are the parts of the bill I refer to:

Provided further, That after the 1st of July, 1917, the Postmaster General shall not approve or allow to be used or pay for any full railway post-office car not constructed of steel, steel underframe, or equally indestructible material, and not less than 20 per cent of the new equipment shall be put into operation annually after July, 1912; and after the passage of this act no contract shall be entered into for the construction of steel underframe cars.

SEC. 2. No contract for furnishing supplies to the Post Office Department or the postal service shall be made with any person who has entered, or proposed to enter, into any combination to prevent the making of any bid for furnishing such supplies, or to fix a price or prices therefor, or who has made any agreement, or given or performed, or promised to give or perform, any consideration whatever to induce any other person not to bid for any such contract, or to bid at a specified price or prices thereon; and if any person so offending is a contractor for furnishing such supplies, his contract may be annulled, and the person so offending shall be liable to a fine of not less than \$100 nor more than \$5,000, and may be further punished, in the discretion of the court, by imprisonment for not less than three months nor more than one year.

BONDS OF NAVY MAIL CLERKS.

SEC. 3. That every Navy mail clerk and assistant Navy mail clerk shall give bond to the United States in such penal sum as the Postmaster General may deem sufficient for the faithful performance of his duties as such clerk.

SEC. 4. When, after a weighing of the mails for the purpose of readjusting the compensation for their transportation on a railroad route, mails are diverted therefrom or thereto, the Postmaster General may, in his discretion, ascertain the effect of such diversion by a weighing of such mails for such number of successive working days as he may determine, and have the weights stated and verified to him as in other cases, and readjust the compensation on the routes affected accordingly; *Provided*, That no readjustment shall be made unless the diverted mails equal at least 10 per cent of the average daily weight on any of the routes affected.

SEC. 5. That on and after July 1 next following the passage of this act letter carriers in the City Delivery Service and clerks in first and second class post offices shall be required to work not more than eight hours a day; *Provided*, That the eight hours of service shall not extend over a longer period than 10 consecutive hours, and the schedules of duty of the employees shall be regulated accordingly.

That in cases of emergency, or if the needs of the service require, letter carriers in the City Delivery Service and clerks in first and second class post offices can be required to work in excess of eight hours a day, and for such additional services they shall be paid extra in proportion to their salaries as fixed by law.

That should the needs of the service require the employment on Sunday of letter carriers in the City Delivery Service and clerks in first and second class post offices, the employees who are required and ordered to perform Sunday work shall be allowed compensatory time on one of the six days following the Sunday on which they perform such service.

Sec. 6. That no person in the classified civil service of the United States employed in the postal service shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him, and be furnished with a copy thereof, and also be allowed a reasonable time for personally answering the same in writing; and affidavits in support thereof; but no examination of witnesses nor any trial or hearing shall be required except in the discretion of the officer making the removal; and copies of charges, notice of hearings, answer, reasons for removal, and of the order of removal shall be made a part of the records of the proper department or office, as shall also the reasons for reduction in rank or compensation; and copies of the same shall be annually reported to Congress and furnished to the person affected upon request, and the Civil Service Commission also shall, upon request, be furnished copies of the same or the originals thereof: *Provided, however,* That membership in any society, association, club, or other form of organization of postal employees having for its objects, among other things, improvements in the condition of labor of its members, including hours of labor and compensation therefor and leave of absence, by any person or groups of persons in said postal service, or the presenting by any such person or groups of persons of any grievance or grievances to the Congress or any Member thereof shall not constitute or be cause for reduction in rank or compensation or removal of such person or groups of persons from said service.

Sec. 7. That after June 30, 1912, the Postmaster General may appoint railway postal clerks in such manner and of such respective grades and salaries as may be provided for in the annual appropriation acts for the service of the Post Office Department, for the purpose of sorting and distributing the mail in railway post offices, railway post-office terminals, and transfer offices, and for service in the offices of division superintendents and chief clerks, and as transfer clerks, and such other services as may pertain to the Railway Mail Service. Such clerks shall be designated as railway postal clerks and shall be divided into the following grades, with corresponding salaries per annum not exceeding the following rates:

- Grade 1, at not exceeding \$900.
- Grade 2, at not exceeding \$1,000.
- Grade 3, at not exceeding \$1,100.
- Grade 4, at not exceeding \$1,200.
- Grade 5, at not exceeding \$1,300.
- Grade 6, at not exceeding \$1,400.
- Grade 7, at not exceeding \$1,500.
- Grade 8, at not exceeding \$1,600.
- Grade 9, at not exceeding \$1,700.
- Grade 10, at not exceeding \$1,800.

Chief clerks, at not exceeding \$2,000.

The Postmaster General shall classify and fix the salaries of railway postal clerks, under such regulations as he may prescribe, in the grades provided by law; and for the purpose of organization and of establishing maximum grades to which promotions may be made successively as hereinafter provided, he shall classify railway post offices, terminal railway post offices, and transfer offices with reference to their character and importance in three classes, with salary grades as follows: Class A, \$900 to \$1,200; class B, \$900 to \$1,300; and class C, \$900 to \$1,500. He may assign to the offices of division superintendents and chief clerks such railway postal clerks as may be necessary and fix their salaries within the grades provided by law without regard to the classification of railway post offices.

After June 30, 1913, clerks in class A shall be promoted successively to grade 3, clerks in class B shall be promoted successively to grade 4, and clerks in class C shall be promoted successively to grade 5 at the beginning of the quarter following the expiration of a year's satisfactory service in the next lower grade. Promotions above these grades within the maximum grades of the classification may be made in the discretion of the Postmaster General for meritorious service. No promotion shall be made except upon evidence satisfactory to the Post Office Department of the efficiency and faithfulness of the employee during the preceding year.

A clerk of any grade of any classification of railway post offices, terminal railway post offices, transfer offices, or in the office of a division superintendent or chief clerk may be transferred and assigned to any classification of railway post offices, terminal railway post offices, transfer offices, or to an office of a division superintendent or chief clerk under such regulations as the Postmaster General may deem proper.

Clerks assigned as clerks in charge of crews consisting of more than one clerk shall be clerks of grades 5 to 10, inclusive, and may be promoted one grade only after three years' continuous, satisfactory, and faithful service in such capacity.

A clerk who falls of promotion because of unsatisfactory service may be promoted at the beginning of the second quarter thereafter or any subsequent quarter for satisfactory and faithful service during the intervening period.

Clerks in the highest grade in their respective lines or other assignments shall be eligible for promotion to positions of clerks in charge in said lines or corresponding positions in other assignments, and clerks assigned as assistant chief clerks and clerks in charge of crews consisting of more than one clerk, either assigned to the line, the transfer service, or to a terminal railway post office, and clerks in the highest grades in offices of division superintendents in their respective divisions shall, after two years of continuous service in such capacity, be eligible for promotion to positions of chief clerks in said division for satisfactory, efficient, and faithful service during the preceding two-year period under such regulations as the Postmaster General shall prescribe.

Whenever a clerk shall have been reduced in salary for any cause he may be restored to his former grade or advanced to an intermediate grade at the beginning of any quarter following the reduction for satisfactory and faithful service during the intervening period.

In filling positions below that of chief clerk no clerk shall be advanced more than one grade in a period of a year.

All clerks appointed to the Railway Mail Service and to perform duty on railway post offices shall reside at some point on the route to which

they are assigned; but railway postal clerks appointed prior to February 28, 1895, and now performing such duty shall not be required to change their residences, except when transferred to another line: *Provided, however,* That because of the reclassification herein provided no clerk shall receive less salary than before the passage of this act. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 8. That hereafter postage shall be paid on matter of the fourth class at the rate of 12 cents per pound, except as herein provided.

That no article, package, or parcel shall be mailable as matter of the fourth class which exceeds 11 pounds in weight, except as herein provided.

That on each and all rural mail-delivery routes of the United States the postmaster at the starting point of such route shall, until June 30, 1914, receive and deliver to the carrier or carriers of said routes all articles, parcels, or packages not prohibited to the mails by law and falling under the definition of fourth-class matter and not weighing in excess of 11 pounds for transportation and delivery on said routes only; and the carriers shall receive at intermediate points on all rural routes such mail matter of the fourth class for delivery on their respective routes only.

That for the purpose of a full and complete inquiry and investigation into the feasibility and propriety of the establishment of a general parcel-post commission of six persons, three of whom shall be appointed by the Speaker of the House of Representatives and three by the President of the Senate, is constituted with full power to appoint clerks, stenographers, and experts to assist them in this work. They shall review the testimony already taken on the subject of parcel post by Senate and House committees and take such other testimony as they deem desirable. For the purpose of defraying the expenses of this commission the sum of \$25,000 is hereby appropriated, out of the moneys in the Treasury not otherwise appropriated.

Sec. 9. That from and after the 1st day of July, 1912, the compensation of rural letter carriers for carrying the mail six days each week on standard routes of 24 miles in length shall be the sum of \$1,074 per annum, to be paid monthly; and on routes exceeding 24 miles in length, the sum of \$44.75 per mile per annum for each mile in excess of 24 miles; and on routes under 24 miles in length, a corresponding reduction of compensation per mile per annum shall be paid; on routes carrying the mail three days of each week of the same length as above, the pay shall be one-half the compensation there provided.

Sec. 10. That after June 30, 1912, experimental mail delivery may be established, under such regulations as the Postmaster General may prescribe, in towns and villages having post offices of the second or third class that are not by law now entitled to free-delivery service, and the sum of \$100,000 is hereby appropriated to enable postmasters to employ the necessary assistance to deliver the mail in such villages, and the amount to be expended at any office shall not exceed \$1,800 a year.

Sec. 11. That the sum of \$400,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Postmaster General to continue the establishment, maintenance, and extension of postal-savings depositories, including the reimbursement of the Secretary of the Treasury for expenses incident to the preparation, issue, and registration of the bonds authorized by the act of June 25, 1910: *Provided,* That out of such sum an amount not to exceed \$10,000 may be expended for the rental, if necessary, of quarters for the central office of the Postal Savings System in the District of Columbia: *And provided further,* That all expenditures in the Postal Savings System shall be audited by the Auditor for the Post Office Department: *And provided further,* That the Postmaster General shall select and designate the post offices which are to be postal-savings depository offices, and shall appoint and fix the compensation of such superintendents, inspectors, and other employees as may be necessary in conducting, supervising, and directing the business of such offices, including the employees of a central office at Washington, D. C., and shall prescribe the hours during which postal-savings depository offices shall remain open. He shall also from time to time make rules and regulations with respect to the deposits in and withdrawals of moneys from postal-savings depositories and the issue of pass books or such other devices as he may adopt as evidence of such deposits or withdrawals. The provisions of the act approved June 25, 1910, are hereby modified accordingly. The unexpended balance of the appropriation for the fiscal year 1912 of \$500,000 made by section 5 of the act approved March 4, 1911, for the Postal Savings System, is hereby reappropriated and made available during the fiscal year 1913 for the purposes mentioned in this section.

Sec. 12. That the provision in the act making appropriations for the service of the Post Office Department, approved May 27, 1908, authorizing the designation of enlisted men of the Navy as Navy mail clerks and assistant Navy mail clerks, be amended to include in such designation enlisted men of the Marine Corps, by the insertion in the said provision, after the words "United States Navy," of the words "or Marine Corps."

But, Mr. Speaker, I shall not vote for a proposition which will take the first step toward authorizing the Government of the United States to take sole management and control of every public road in my State over which a rural route may be established. I shall not in this instance, as I have not in the past, nor do I expect to in the future, vote for any measure that will lay on the General Government all the burdens of government which the several States and local bodies should bear. I shall not vote for a measure that will commit this great Government, composed of 48 States—I shall not vote to concentrate it into one and make it a paternalistic and socialistic government. I shall vote in this instance, as I have voted on all occasions, according to the Constitution as I understand it. This is a Government in which duties devolve upon it by the Constitution with limited and restricted powers. There are 48 separate and distinct governments that make up this one National Government, and they have some great duties to perform. I shall not in the vote I may cast on this rule forget that my State and the several States of this Union owe some duties to themselves and to their citizens. I shall not vote for that proposition which would advance them further and further in the direction of the destruction of the duties and the rights of

the States and the concentration and federalization of all the powers of government in Washington. [Applause.]

Mr. DALZELL. Mr. Speaker, how much time did the gentleman from Wisconsin [Mr. LENBOOT] use?

The SPEAKER. He used 13 minutes.

Mr. DALZELL. I yield two minutes to the gentleman from Massachusetts [Mr. MCCALL].

Mr. MCCALL. Mr. Speaker, I have always believed in the propriety of having the Committee on Rules report a special rule for the consideration of some special measure of importance that could not be reached in ordinary course upon the calendar. Many gentlemen of the House have been opposed to that power in the Committee on Rules. But I never have been in favor, and I am not in favor now, of the proposition to combine a number of diverse measures pending before different committees and logroll through the House a rule for their consideration.

There is one proposition here which may illustrate what I have said. It is proposed in this bill to require the Government to pay a toll for the use of local roads by its carriers. It provides a toll that I venture to say, in the case of some roads in this country, will amount to more than is spent by the town or the district in the maintenance of the road. If the Government should pay for the real wear and tear of the road caused by the carrier, it would not be a fraction of what it is proposed it shall pay. I do not believe that the people of the country care to be put in a position of receiving a gratuity, a vote from the National Treasury. A proposition like that makes this whole measure reek with graft from one end to the other. It means nothing less than that the Government is to take control in the end of the local roads in the country, to build them, to pay for them, and, of course, if it does that it should have jurisdiction over them. It is the wildest measure of centralization I have ever seen presented to the Congress and it is presented by the party that stands for local self-government. I can not give any rule which has a proposition of that kind in it my support. [Applause.]

Mr. DALZELL. Mr. Speaker, I yield three minutes to the gentleman from Pennsylvania [Mr. SPEER].

Mr. SPEER. Mr. Speaker, I am in favor of this rule, because I am in favor of some of the legislation which the adoption of this rule will enable us to enact. I am in favor of a general parcel-post system so devised as to be beneficial to all of the people of this country. It is pretty well established now that unless something of this kind can be adopted in this Post Office appropriation bill it will not be adopted at all. I would prefer to vote separately on a proposition of this kind, but should we do so there is very little prospect that it would pass the Senate. Therefore, if we are to have any legislation on the subject during this session we must have it by virtue of this rule. Otherwise it will be objected to and eliminated by a point of order from the provision of the Post Office appropriation bill. Therefore I favor the adoption of this rule.

This does not mean that I favor the provisions of the Post Office appropriation bill. I do not think they are adequate; I do not think they are sufficient, but it will give us an opportunity when the discussion of them comes up to amend them and to adopt such provisions upon these subjects as we may deem proper and right. Without this rule we are bound hand and foot and can do nothing. I do not favor some of the wild propositions that are in this measure about paying toll for local roads, nor do I favor the condemnation of the express companies, because I believe that this Government has the right to institute a parcel-post system of its own and run it independently, as is done in many other civilized countries, and that the competition of the express companies will be beneficial to us in reducing rates.

There are other things in this rule which I favor. This rule will permit us to enact legislation to limit the time of employment of carriers to eight hours a day. Unless this rule is adopted that will be subject to a point of order and eliminated from the Post Office appropriation bill. It will permit an increase of the salaries of the carriers and clerks. Unless this rule be adopted, that can be objected out of your Post Office appropriation bill. Make no mistake, gentlemen. The objections to this rule upon the ground that it is violating the rules and precedents of the House, upon the ground that it is bringing in matters here that ought to be voted upon separately, are being made by those who want to kill this legislation in the end, and who are raising these objections now to prevent the House from acting upon the matters at all. [Applause.]

Mr. DALZELL. Mr. Speaker, I yield 10 minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, this rule will make in order 23 substantive propositions that otherwise would be out of

order upon the Post Office appropriation bill. Many of these propositions are of minor importance. It is doubtful if there would be any opposition to probably one-half of these propositions if they were to come up in the ordinary way. There are other important propositions here, propositions of the greatest possible importance. The propositions that ought to be agreed to without any extended debate and without serious opposition relate to the growth of the postal service, to the increase of the salaries of the postal employees, to the reduction of hours of laborers in the postal service. It makes in order the reclassification of the rural-route carriers, raising the salaries of the rural-route carriers—propositions that would be subject to a point of order if it were not for this rule. Without desiring to commit the House to every proposition covered in the rule and to make them in order on this bill, I favor the rule as it is now before the House. I shall reserve the right, when the time comes, in passing upon the questions made in order, to vote either for or against them as my judgment at that time dictates. I shall favor the increase in pay to clerks and carriers, and the provision making it proper for employees to organize and urge what is thought to be for their good.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. LONGWORTH. Is this matter, contained on page 1 of the report, down to the bottom of page 4, one bill or is it a series of bills?

Mr. CAMPBELL. That is a series of propositions in the Post Office appropriation bill. They have been numbered in the rule for the sake of convenience. They are substantive propositions which are offered at different places in the Post Office appropriation bill. Each one of them would be subject to a point of order.

Mr. LONGWORTH. As to the parcel post only, is that covered in section 8 of this rule?

Mr. CAMPBELL. The question of a parcel post is covered in section 8.

Mr. LONGWORTH. I am not referring to the parcel express.

Mr. CAMPBELL. The parcel post is what is known as section 8.

Mr. LONGWORTH. Is that what the present bill contains substantially, or is there a difference there of a commission?

Mr. CAMPBELL. The commission is covered in the bill, which would also be out of order.

Mr. LONGWORTH. Then this section 8 of the rule is the bill as it stands to-day exactly, is it?

Mr. CAMPBELL. Yes.

Mr. LONGWORTH. So far as it relates to the parcel post?

Mr. CAMPBELL. Yes.

Mr. ANDERSON of Ohio. Do I understand the adoption of this rule will permit an amendment increasing the salaries of the rural-route carriers?

Mr. CAMPBELL. This rule makes in order a proposition already in the Post Office bill reclassifying the rural routes and raising the pay of the carriers.

Mr. SAMUEL W. SMITH. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. SAMUEL W. SMITH. I have not had time as yet to read the rule or to read fully the Goeke bill. I would like to ask if the Goeke bill is inserted word for word in the rule?

Mr. CAMPBELL. It is. There are propositions about which we all agree, and to which probably no Member of the House would object, and yet under the rules of the House they would not be in order on the Post Office appropriation bill without the adoption of this rule.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. MOORE of Pennsylvania. On page 7 of the Rules report is a paragraph relating to the use of the mails for newspapers, requiring that the names of the publishers, editors, and stockholders shall be published.

Mr. CAMPBELL. Yes.

Mr. MOORE of Pennsylvania. Is that provision in the Post Office appropriation bill?

Mr. CAMPBELL. It is not.

Mr. MOORE of Pennsylvania. It is an entirely new proposition?

Mr. CAMPBELL. That is a new proposition which has never been referred to a committee of this House and appears for the first time in this rule.

Mr. LONGWORTH. Has it as a bill ever been introduced?

Mr. CAMPBELL. A bill for that purpose has never been introduced, as I understand it. The matter was brought before

the Committee on Rules by Members of the House, who asked that it be made in order on the Post Office appropriation bill by this rule.

Mr. MOORE of Pennsylvania. But it was not a part of the Post Office bill?

Mr. CAMPBELL. No.

Mr. MOORE of Pennsylvania. Now, may I ask the gentleman if this is his understanding of that provision—that the New York Herald, a large paper; the Philadelphia North American—

Mr. CAMPBELL. Or the Chicago Tribune.

Mr. MOORE of Pennsylvania. Or the Detroit Free Press, or any other newspaper of the country having a large circulation, would be obliged under the provision of this rule, brought in in this hurried way, to publish conspicuously every day the names of its proprietors, its editors, and of all its stockholders having stock valued above \$500 in order to obtain the use of the mails?

Mr. CAMPBELL. Yes.

Mr. MOORE of Pennsylvania. And that in violation of that provision it would be forbidden the use of the mails?

Mr. CAMPBELL. Yes; that is the proposition this part of the rule will make in order to the Post Office appropriation bill; and I will say to the gentleman—

Mr. MOORE of Pennsylvania. And those papers throughout the United States owned by corporations not publishing the names of all their stockholders holding more than \$500 worth of stock would be forbidden the use of the mails utterly under this provision?

Mr. CAMPBELL. That is the language of the provision; and I will state to the gentleman from Pennsylvania that the proposition was proposed by one of the leading newspaper men of this House, a Member of Congress who is a newspaper man, and knows something of the influences that are back of some of the newspapers of this country—

Mr. MOORE of Pennsylvania. May I trespass upon the gentleman long enough to say—

SEVERAL MEMBERS. Mr. Chairman—

Mr. CAMPBELL. I would like to have some of my own time to discuss some other matters of this rule; and I can not yield but to one gentleman at a time in an orderly way.

The SPEAKER pro tempore. The time of the gentleman from Kansas has expired.

Mr. MOORE of Pennsylvania. We are getting to a very interesting point, and I think it would be well worth while having a little more light on the subject.

Mr. CAMPBELL. Mr. Speaker, I was given 10 minutes. Have I consumed 10 minutes?

The SPEAKER pro tempore. Yes; the gentleman's time has expired.

Mr. HARDWICK. Mr. Speaker, I now yield five minutes to the gentleman from Tennessee [Mr. MOON].

The SPEAKER pro tempore. The Chair will state that the Chair was mistaken; the gentleman from Kansas has two minutes remaining.

Mr. CAMPBELL. I will yield the two minutes back to the gentleman from Pennsylvania, as I have taken my seat and cooled off. [Laughter.]

The SPEAKER pro tempore. The Chair was looking at another gentleman's figures rather than those of the gentleman from Kansas.

Mr. MOON of Tennessee. Mr. Speaker, the rule of the House that prohibits legislation on an appropriation bill is perhaps a wise one ordinarily, but, in my opinion, this House yielded more of its power and more of its dignity as a part of the legislative branch of this Government when it made that rule than on any other occasion. The truth is when a thing ought to be done it ought to be done now, and the way it ought to be done is the best way and the quickest way you can do it. Now, everybody knows that the legislation proposed by this rule—and when I refer to the rule I refer primarily to resolution 444, which I introduced by direction of the committee—is legislation pertaining to the Post Office Department of the utmost value to this country. It could not be enacted except as a rider upon the Post Office appropriation bill, for the very reason that a dozen separate bills covering all of these 12 questions here presented could not possibly be gotten through this House with the other business which is before it, and if they did they would find their graveyard at the other end of the Capitol; but when placed as a rider upon this bill, not only the House is forced to respond but the Senate must respond to each and all of these propositions. Therefore, the wisdom of legislation along these lines. Who is it in this House who opposes the protection of the railway mail clerks of the United States by forcing the con-

struction of steel cars for that purpose? Who is it who is not willing to check the collusion between contractors and officials of the Government, and who is it that is not willing to see competition in mail pay? Who is it that is willing longer for a gag law depriving the officials of the department of the right of free speech? Who is it who opposes the eight-hour laws and compensatory pay for overtime? Who is it who is not willing to have a just reclassification of the clerks? Who is it who does not want to respond in some measure to the demand of the people for a parcel post? Who is it who does not want to see this Government extricate itself, if possible from the position it is in with reference to the postal savings bank, a proposition that has already added several hundred and will add over 20,000 officials to the Government, one that is not paying the Government, but one with which you must deal to-day by provisions that will enable this department to make it efficient if it be possible to do so, and it can not be done except by this measure? Who is it who opposes this measure? Let the gentlemen who are opposed to these post-office provisions, essential and necessary for the protection of this Government, vote against this rule.

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. MOORE of Pennsylvania. Mr. Speaker—

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. MOON of Tennessee. Just one minute. I yield to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Would it not have been possible for the Post Office Committee to have brought in a bill on any of these important subjects at any time?

Mr. MOON of Tennessee. Of course it would; and one-half of them would have been killed. That is the reason we put them on here as riders. We are going to make you respond to these questions that some want to dodge. [Applause.]

I have no time to discuss these measures, but I do want to say that the parcel-post proposition has been considered thoroughly by this committee. We know this Government can not go into a general parcel post now without an immense addition of perhaps 40,000 officials and immense loss. Therefore we have recommended a commission for the general consideration of the proposition, and the experiment will cost nothing, because of the rural post. And I will ask that this parcel-post proposition, except the one proposed by the committee, be voted down, in order that this House may act intelligently and know the facts we ought to know before we enter upon this legislation finally; that we may know what is just and best for all.

Mr. HENRY of Texas. Mr. Speaker, I yield two minutes to the gentleman from Kentucky [Mr. LANGLEY].

[Mr. LANGLEY addressed the House. See Appendix.]

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS. Mr. Speaker, the proposition that because a thing has been done in a certain way for a long period of time, we should therefore continue to do it in that way, for all time to come is not one that appeals to me very strongly. The overthrow of Cannonism was due to dissatisfaction with the old way of doing things. One outcome of our protest against the established order of stand-pat-ism, is the present Democratic House. The whole system of rules is a purely artificial creation designed to enable a legislative body to do business. When a change in these rules, is necessary to enable this body to do public business more efficiently, that change should be effected, whether it comes about through a rule from the Rules Committee, or not. The test should be, whether it is in aid of the public business. The fact that it is an innovation need arouse no antagonism. If riders to the pending, or any other bill are required to enable the House to meet public expectations in respect of needed legislation, then riders should be utilized, and the required legislation thereby afforded. All of us know the condition of legislation in this body. We also know the difficulty of securing consideration for ordinary legislation at the other end of this Capitol, and we further know with respect to the legislation that is embodied in this report of the Committee on Rules, that if we wish effective action on this legislation it is necessary to attach it to the pending bill, as we have the right to do, in due and orderly course, by adopting this rule.

Talk about rules! The system of rules that formerly prevailed in this House muzzled, and shackled the Members. This rule gives to this body, which is above all its committees, the opportunity to deal with questions of transcendent importance which are agitating the country to-day from one end of it to the other—the parcel post, steel cars for the railway mail clerks, and national

aid to roads in the States. If it is not possible to secure adequate consideration of these matters, other than by a rule, and it is not, then the rule is the proper parliamentary agency for us to employ. Some gentlemen in arguing the proposition of national aid to roads, as embodied in the rule have insisted that the proposed legislation would interfere with or trench upon the functions of the States. To a bill to this effect I would be unalterably opposed. I would favor no measure that would disturb, or derange these functions, but the gentlemen who make this criticism of the proposed measure, are simply unacquainted with its terms. One participant in this debate asserted that the road bill was a form of centralization. Not at all. The proposition as to national aid to roads which is found in the report from the Committee on Rules, and which is made in order that it may be considered by this House, has no sort of relation to centralization, and in no wise interferes with local and domestic affairs in the States.

One element of merit in the particular proposition relating to roads is that we have eliminated from it every feature of national control over local concerns, or domestic highways. All that the rule under consideration proposes to do with relation to this, and the other propositions embodied therein, is to give this supreme legislative body an opportunity to deal with them fairly and squarely. Who challenges the propriety of this action, or questions that such a course is at once safe and sound? It is the policy of meeting an issue, in lieu of shirking, or evading it.

Mr. ANDERSON of Ohio. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Virginia yield to the gentleman from Ohio?

Mr. SAUNDERS. I do.

Mr. ANDERSON of Ohio. Do I understand that the adoption of this rule will permit the consideration of the Lloyd bill, eliminating the gag rule?

Mr. SAUNDERS. Certainly.

I ask the gentlemen in opposition to take issue on the merits of this proposition. Announce to the country at large, if you will, that you are opposed to the policy of allowing this body to deal effectively with the questions carried in this rule. Say to the country, if you will, that the Democratic attitude of freedom of opportunity is wrong, and that when the Committee on Rules seeks to aid us to arrive at the consideration of these great questions, to which its rule relates, its aid should be rejected. Avow frankly that you are opposed to any opportunity of consideration being afforded preferring to go on, in what you call the old way, a way which consisted in submerging propositions of national interests, and keeping them from legislative contemplation. This is what Cannonism did, and on this account Cannonism was rejected by the country. This rule, Mr. Speaker, merely makes in order a number of germane propositions of great importance, and gives to this body the opportunity to consider them. If that be treason, I say, make the most of it. [Applause.]

Mr. HENRY of Texas. Mr. Speaker, I yield three minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Speaker, the majority of this House has not proposed new legislation, so far, that has met with my approval. But I do want to be fair enough to say that the present Post Office appropriation bill reflects credit on the majority of this House. [Applause.]

I shall vote, as long as I am in this House, for any proposition that I believe is for the general interests of the people, regardless of its authorship. I am going to vote for this rule, and I also intend to vote for the appropriation bill—the Post Office appropriation bill. I feel proud of the fact that the chairman of the Committee on the Post Office and Post Roads is a colleague of mine, and represents an adjoining district in Tennessee, and I hope he will be returned here as long as he desires. [Applause.]

I believe in the protection of the postal employees and in the earliest possible substitution of all-steel cars for wooden cars for the protection of their lives. I believe in a definite and fixed 8-hour day for post-office clerks and city carriers, and also an increase of pay for the rural carriers. I favor a reclassification of the railway postal clerks.

I have made two campaigns—successful campaigns—and advocated in each of those campaigns national aid for public roads, and I intend to stand on that proposition in this House.

I am opposed to what has been denominated the "gag law" or civil-service rule that prevents a Government employee from appealing to his Representative in Congress to look after any grievance that the employee may have with the department with which he is connected.

There are a number of other very just and wise provisions in this bill, and I regret that the limited time yielded to me will

not permit me to go more fully into them. But I regret exceedingly that the Republican Party in the Sixty-first Congress did not pass the bills which you intend to include in this Post Office appropriation bill by this special rule, and I hope my Republican colleagues on this side of the House will prove to the country that the Democratic Party shall not have all of the credit for this legislation, for it is in the interests of the people, and should become a law at the earliest possible time, and no technicality or rule of this House should stand in the way. It affects the interest of every class of our constituencies, and it ought to appeal to every Member of this House, regardless of which side of the Chamber he sits upon. [Applause.]

Mr. HENRY of Texas. Mr. Speaker, I yield three minutes to the gentleman from Indiana [Mr. BARNHART].

The SPEAKER pro tempore. The gentleman from Indiana [Mr. BARNHART] is recognized for three minutes.

Mr. BARNHART. Mr. Speaker, I am in favor of this rule. I am in favor of it for the 23 varieties of reasons to which my friend from Kansas [Mr. CAMPBELL] called attention awhile ago; but I am especially in favor of it because, in addition to being a Member of this House, I hope I still represent the great and glorious profession of journalism in this country. [Applause.] When I went before the Committee on Rules yesterday I gathered up from the desks in this House 10 of the greatest newspaper publications of this country. Two of them carried the names of the editors; 1 of them carried the name of the publisher. The other 7 were circulated by the thousands and hundreds of thousands as anonymous publications. Nobody who reads them only knows the authorship or inspiration of those publications and their editorials. If the amendment in this rule prevails and this provision becomes a law, the country will know who controls or directs editorial opinions of the day. It will bring the honest editor out from under the unfair suspicion that he is controlled by evil influences.

Mr. MURDOCK. Will the gentleman accept the amendment of the gentleman from Texas [Mr. BUBLESON], if he offers it, that the names of the bondholders shall also be published?

Mr. BARNHART. I certainly will. I want to make the act as broad and effective as possible. We have heard it said, and we have accepted the sweet philosophy for years, that the hand that rocks the cradle is the hand that rules the world; and I believe that the hand that writes the editorials is the hand that guides the world. And we ought to have that hand as clean and righteous as it is possible to make it.

For these and many other reasons I hope the rule will be adopted. [Applause.]

Mr. HENRY of Texas. I ask the gentleman from Pennsylvania [Mr. DALZELL] to use some of his time.

Mr. DALZELL. I yield 10 minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, this is the most remarkable rule, filled with curiosities as it is, that has come before this House during my service of now a little more than 15 years in the House.

I do not understand how the Committee on Rules managed to escape including in this rule some other propositions that are pending before the House. Why, for instance, does the Committee on Rules include a proposition to take possession of the express companies practically at once, a proposition which has not been reported by any committee of this House, and fail to include in the rule a proposition to make in order the consideration of the substance of the bill already reported from the Committee on Interstate and Foreign Commerce, regulating the rates which express companies may charge? Upon what theory has the Committee on Rules proceeded to pay no attention to the bills which have been considered by committees of the House, charged with consideration of the subject matter, and reported a rule to make in order a proposition which has not been considered by any committee of the House, unless it be the Committee on Rules, which knows nothing about the matter, and if it did has given no consideration to the subject?

Why does the committee, in reporting the rule, make in order the Shackelford bill and not make in order the Underwood resolution? Why did the Committee on Rules turn down the majority leader of the House in the resolution which he introduced concerning the study of the subject of highways, and the relation of the public funds thereto, and report the Shackelford resolution, which had never been considered by the Committee on the Post Office and Post Roads, which has this subject under consideration, and propose to consider only the bill reported by the Committee on Agriculture?

Mr. CAMPBELL. Mr. Chairman—

Mr. MANN. I do not yield.

Mr. CAMPBELL. I wanted to answer the gentleman's question.

Mr. MANN. The gentleman can not anticipate the question.

Mr. CAMPBELL. But the gentleman asked a question.

Mr. MANN. The gentleman can not answer the question.

The SPEAKER pro tempore. The gentleman from Illinois declines to yield.

Mr. MANN. No one can give a reason for it. There is no reason for it. This is blind groping in the dark by men without eyes.

Mr. CAMPBELL. The Underwood resolution has already been favorably reported by the Committee on Rules.

Mr. MANN. But it is not in order; is not a privileged bill; can not be offered as an amendment to this bill. The gentleman's committee proposes to make in order as an amendment on the Post Office appropriation bill another bill standing on an equal footing in the House. Why did they not make the Underwood bill in order as an amendment on the Post Office bill? The gentleman's answer shows that he, at least, on the committee knew nothing about the subject. [Applause.]

Mr. HENRY of Texas. Will the gentleman allow me to correct him?

Mr. MANN. In his own time, which I did not restrict. The gentleman from Texas has reported a resolution involving almost everything under the sun, and perhaps some things beyond our sun in other skies, and himself declined to yield to questions, alleging that he did not have the time, although he had made the motion which shut off the time.

It is the first time I ever have seen in this House a proposition involving so much where the gentleman in charge refused to explain, refused to answer questions, declined to yield, because he did not have the time which he himself had restricted.

Now, Mr. Speaker, I took the floor in the main for the purpose of saying that if we have to vote on this rule as a whole, I shall vote against it. I have no criticism of those who desire to vote for the proposition in the bill. I believe it is always within the power and the right of the majority of a legislative body to enact legislation which it favors, and, having that right, they have the right to bring in a rule providing that it shall be in order on a bill to take it up by itself and providing for its consideration in any manner. I do not criticize that. My criticism is directed against reporting a proposition into the House involving important matters, concerning which no one in the House knows anything, and concerning which there has been no consideration before the country, before the House, or before the committees of the House. It is my purpose, when the debate shall be closed, to demand a separate vote on the various propositions involved in this resolution, and unless the Speaker, which I do not think he will do, shall propose that he is a greater czar and more defiant of the House than Czar CANNON in his day, we will have a separate vote on the substantive propositions in the rule.

I shall ask for a separate vote on the parcel-post proposition in the bill, which, if I can not obtain anything better, I shall vote for. I hope if it is made in order it will be made of more value than the provisions in the bill, but I shall vote against the propositions which are not in the original Post Office bill if I can have a separate vote on this rule as to the different propositions.

Mr. Speaker, there are times when I have the highest respect for this body as a whole and for its individual Members. But there are times when I can see more cowards in the House of Representatives in the same number of men than can be found in an equal number anywhere else in this country. [Applause.]

I prefer when I go out of public life to be turned out because I have had the moral courage to vote according to my own convictions, rather than to be chasing to know the popular sentiment of this proposition to-day, guessing what it shall be tomorrow, and hoping that my turn may go with the turn of the wind. If this House votes according to its own sentiment, according to what it believes, according to what it knows, according to its real judgment, it will not go far astray upon any of these propositions, but if it votes out of cowardly fear it loses its own self-respect. It may retain its membership, but it will not be as well off as if it had lost a large portion of it. [Applause.]

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I shall not vote for this rule. It contemplates the consideration on the Post Office appropriation bill of certain legislative provisions. They may be generally divided into two classes: One, a class of provisions that have been considered by the Committee on the Post Office and Post Roads, the committee which, under the rules of the House, has jurisdiction of the provisions in the bill and which it has reported for the consideration of the House; and the other, certain provisions which have not been reported from that committee. One of the latter provisions, contemplating legislation of the most comprehensive and important character, has not been reported from any committee, and one which, although

reported from a committee, has received slight if any consideration whatever.

I am not opposed as a universal thing to legislation on appropriation bills, but I believe there is a clear line of demarcation that should be observed in order to obtain beneficial results. Legislation that is designed to remedy legislative abuses or to advance the interests of good administration may properly and wisely be included in these bills. But legislation that proposes to initiate new and untried and poorly considered schemes of governmental activity, in my judgment, unwisely are placed in these bills. My recollection is that back early in the seventies it was a Republican Congress that enacted the Federal supervisors' election law as a part of an appropriation bill.

I have no desire to provoke retaliation from that side of the House when eventually the Republicans come into power by the adoption of such rules as will permit a repetition of such legislation. I do not believe it wise to attempt to legislate on these matters in this way. I am heartily in favor of most of the provisions reported by the Committee on the Post Office and Post Roads and incorporated by the committee in this bill. I should welcome an opportunity to support such provisions. But if the price to be paid to obtain the consideration of them is to support a rule which permits consideration of these other two provisions—one for the condemnation of the express companies and the other for the initiation of a policy of giving Federal aid to State and local roads—then I shall not support the rule. The disadvantages that will follow far outweigh the benefits to accrue from the provisions which I favor.

The adoption of this good-roads policy would end any hope that the Democratic Party may have to make a record for economy in this session. According to the reports, as I have been able to gather them, the least that will be taken under this provision, if it be adopted, is \$15,000,000 a year, and it may run up to thirty or forty millions a year. No one who favors aid from the Federal Government for State roads will pretend for a moment that the payment of \$30 per annum per mile for the upkeep for macadamized roads would be of any advantage whatever in the maintenance of such roads. I do not believe the Federal Government should enter upon that policy. I am unwilling to have considered this so-called compromise scheme, which was hurriedly put together by the advocates of some 38 different propositions, if I recall correctly, and overnight reported by the committee which was supposed to be giving deliberate, careful consideration to legislation of this character.

Mr. SAUNDERS. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. I only have five minutes, and I have no time to yield.

Mr. SAUNDERS. But the gentleman is making statements with respect to this bill and its preparation and consideration about which he is absolutely in error.

Mr. FITZGERALD. Mr. Speaker, the gentleman from Virginia will pardon me. That question can be discussed by the gentleman in his own time. I decline to yield further. I am entitled to make my own statement, and my statement is based upon the reports contained in the press of this city, which are usually pretty accurate in detailing such matters.

Mr. SAUNDERS. But here is—

Mr. FITZGERALD. Mr. Speaker, I decline to yield further. Members, like myself, a great many, the vast majority of the House, are busily engaged in committee work. Since the 4th day of December, the Christmas holidays, with the exception of five days, I have been engaged every day in considering estimates submitted by the various departments. They necessitate the investigation of every conceivable governmental question. Such work occupies all of my time. It is important, difficult work, and can not be shirked or neglected. Therefore, I must rely, as many others must rely, very largely for information upon the reports of committees upon important legislation not originating in the committee of which I am a member. I am unable to be in the position that the gentleman from Texas [Mr. HENRY] says Members should occupy, namely, prepared at any moment to consider these important matters. I think it is unfair to Members of the House to inject in this way legislation of such character for their consideration. It is not my desire nor the desire of others who believe as I do to obstruct or prevent legislation, but we desire honestly to consider legislation properly, and should not be put in the position where it is impossible to do so.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. DALZELL. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, this House of Representatives adopted a code of rules agreed to in caucus. One of those rules prohibits general legislation upon appropriation bills. For

over two generations general legislation, especially of a non-administrative character, has been substantially prohibited upon general appropriation bills. And why? Under the Constitution the money must be appropriated from the Treasury in order that the public service may be carried on. It has been found if you place a condition upon the voting of money from the Treasury certain legislation that one body may not approve or that the other body may not approve, which is ordinarily crude and ill digested, is not good legislation. Therefore the rule.

I quite agree with what the gentleman from New York [Mr. FITZGERALD] said, that at times matters of administration are by unanimous consent proper to be placed upon appropriation bills, and sometimes by special rule. I think it would have been entirely apt and proper that the paragraph in the Post Office appropriation bill touching parcel post should have been covered and made in order for consideration by a special rule. That is a matter which has been considered by the Committee on the Post Office and Post Roads. But what does this resolution propose to do? How many Members desire to consider as a rider of the Post Office appropriation bill the question of ownership of railways by the Government—

A MEMBER. Express companies.

Mr. CANNON. Oh, railways.

Mr. MANN. That would be an amendment in order.

Mr. CANNON. Probably an amendment in order, and there are people who believe if you take over express companies under this power as proposed, that it would lead to Government ownership. How many of you touching that matter like that proposition? How many of you like one of a half dozen propositions here? And yet the gentleman from Tennessee [Mr. MOON] and the gentleman from Texas [Mr. HENRY] and gentlemen on this side of the House who are going to vote for this rule say that those who are opposed to it are opposed to the parcel post—are against the will of the people—anathema maranatha. Why, gentlemen in their enthusiasm will not be offended if I say this is pure, rank demagoguery. Now, I am perfectly willing to vote for a special rule to consider every proposition that was reported from the Committee on the Post Office and Post Roads, including parcel post, increase of salaries, and so forth; but, says the gentleman, all times are proper, and this is the place to give righteous legislation. Look here. Why did not you make it in order by this rule on this other bill to change the law touching conspiracy? Why did not you, in making and reporting this rule, make it in order to amend this bill to try contempt cases by jury? Your last national platform declares for such legislation.

Mr. BARTLETT. Or repeal the oleomargarine bill?

Mr. CANNON. Oh, yes; and 40 other things. Why did not you report this rule and let this House, the greatest legislative body on earth, acting for 90,000,000 people, put on all of the good legislation, especially that which you pledged in your national platform, upon an appropriation bill to make sure that the Government will starve unless the Senate agrees to the bill? Why did not you do it? I will tell you why, because you are sweating great drops of blood, figuratively speaking, for fear you will have to vote on some of these questions. What answer are you going to make to Samuel Gompers—

Mr. HENRY of Texas. Will the gentleman yield there?

Mr. CANNON. Well, the gentleman did not yield.

Mr. HENRY of Texas. I do not believe the gentleman from Illinois asked me to yield.

Mr. CANNON. Why, certainly; if the gentleman will yield me enough time to answer one question.

Mr. HENRY of Texas. I will do that. Mr. Speaker, the gentleman speaks of a rule in case of indirect contempt and injunction. Mr. Speaker, I desire to say to him that the Judiciary Committee has authorized a report on those bills, and he will have an opportunity surely of voting on them before this session is at an end. [Loud applause on the Democratic side.]

Mr. CANNON. Why did not you put it on an appropriation bill [applause on the Republican side], this appropriation bill where the gentleman says the Government shall not go on unless the Senate agrees to your legislation?

Mr. HENRY of Texas. We intend to put it on the statutes.

Mr. CANNON. I have answered the gentleman's question—oh, put it on the statutes. Suppose the Senate will not have it?

Mr. HENRY of Texas. Then the people will defeat the balance of them.

Mr. CANNON. Oh, the gentleman is not candid—

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. CANNON. Mr. Speaker, I would like a minute more to conclude.

Mr. DALZELL. I yield the gentleman two minutes more.

Mr. LANGLEY. The gentleman from Texas owes him a minute.

Mr. HENRY of Texas. I yield to the gentleman one minute. Mr. CANNON. That makes three minutes. [Laughter and applause.] Now, unless this rule is voted upon and amended, the gentleman, my colleague from Illinois, having given notice that he would ask a separate vote upon every substantive proposition, I will vote against the rule. I will vote for the consideration of many of the propositions in the rule, especially that which pertains to the postal service, but I will not go beyond that.

Oh, let the people rule [laughter], said the gentleman from Wisconsin [Mr. LENROO]. He would vote to report anything from the Committee on Rules for which the majority of the members would sign a petition. Why, every member of the Illinois Legislature—and I have no doubt it would be possible here where we sign petitions pro forma—every member of the Illinois Legislature some years ago signed a petition that the governor should be hanged and drawn and quartered. [Laughter.] You get petitions from Members of this House, and you find people who are asked to sign, do sign all the petitions substantially. Let the House act here, not upon petitions of Members of the House of Representatives, but let it act officially. So much for that. I wish and I hope I may get a little time in the event this rule is adopted to address the House further, and if perchance the rule should not be adopted I hope that the opportunity will be given to perfect this Post Office appropriation bill, which we have before us, touching the postal service. [Applause.]

Mr. HENRY of Texas. Does the gentleman from Pennsylvania [Mr. DALZELL] wish to use any more of his time?

Mr. DALZELL. Do I understand the gentleman has only one speech now?

Mr. HENRY of Texas. Only one speech in conclusion.

Mr. DALZELL. Mr. Speaker, I do not propose to discuss the merits of the various legislative propositions in this rule. I wish to discuss simply the methods by which these propositions are sought to be enacted, and I venture to say, without fear of contradiction, that no such proposition has ever before been presented by a Committee on Rules to any House.

What is this proposition? The rules of the House prescribe that no general legislation shall be permissible upon a general appropriation bill. This proposition is that we shall make in order 12 substantive legislative provisions that are reported in the Post Office appropriation bill and that, under the rules of the House, are not in order. It proposes, in addition to that, that we shall make in order for consideration by the House at this time a bill which comes from the Committee on Interstate and Foreign Commerce, a bill over which the Committee on the Post Office and Post Roads has no jurisdiction, a bill which the Committee on Interstate and Foreign Commerce has had under consideration for some considerable time, but up to this time has not found itself prepared to report. It proposes that we shall make in order on this Post Office appropriation bill a bill that comes from the Committee on Agriculture, over which the Committee on the Post Office and Post Roads has no jurisdiction. It proposes we shall make in order on this Post Office appropriation bill an amendment not sent to any committee, not originating with any committee, but originating with individual Members of this House and formulated for the first time in a hearing before the Committee on Rules.

It seems to me, gentlemen, that without much argument it is clear that if we indulge in this method of legislation we might as well abolish entirely this particular rule of the House with respect to general legislation on appropriation bills.

Now, what is it that the Committee on the Post Office and Post Roads proposes to have made legitimate by this rule? The new legislation that they propose is as follows:

They provide for new equipment of railway postal cars.

For the prevention of combinations among bidders for postal contracts.

For bonding in the naval-postal service.

For a readjustment of compensation in certain cases after weighing.

For an extension of the eight-hour law.

For the amendment of civil-service rules, and the legalizing of labor unions in the postal service.

For the grading and compensation of railway postal clerks by the Postmaster General.

For a limited parcel post and the appointment of a commission to report on a general parcel post.

For a change in the compensation of rural letter carriers.

For free delivery in villages.

For the establishment, maintenance, and extension of postal savings depositories.

For the designation of naval clerks in the Marine Corps.

Each and every one of these is a substantive proposition, which is prohibited by the rules from being in a general appropriation bill. As legislation they are entitled to a separate report by that committee, to separate consideration by this House, to separate consideration by the Senate, and separate consideration by the President. It is in violation of the rules of the House that these measures are now to be put up to the House to be voted upon, under the penalty that if they are not, the appropriations to carry on the business of the Government shall fail.

Now, it is said that this is the only opportunity that we will have to vote upon these measures. If that be so, then the responsibility rests with the majority of this House. The Committee on the Post Office and Post Roads was appointed on the first day of the first session of this Congress, more than a year ago. It has never reported any of these substantive propositions. Nothing prevents it reporting each and every one of them in a separate bill within 24 hours of this time, and nothing prevents their consideration under the regular rules of the House. But if consideration under the regular rules of the House should prevent such consideration, the Committee on the Post Office and Post Roads has a good case to appeal to the Committee on Rules for a rule for their consideration.

Now, then, what more does this rule propose by way of setting aside the rules of the House? It proposes that on a post-office appropriation bill you shall consider a bill to regulate commerce with foreign countries and between the States and to increase the facilities and the efficiency of the postal service, a bill that, as I have said, has been before the Interstate and Foreign Commerce Committee for a long time and upon which testimony has been taken, about which that committee has not yet made up its mind, about which it has not reported, and which will involve, if adopted, an expenditure upon the part of this Government of some \$34,000,000 to \$40,000,000. You are asked to consider that out of its order by virtue of a rule in connection with legislation on a general appropriation bill from the Committee on the Post Office and Post Roads.

And that is not all. It is proposed that on this general appropriation bill you shall consider a resolution which went to the Committee on Agriculture and which means the opening wedge toward the initiation of Federal legislation for the building of good roads in this country. That is a measure that deserves separate consideration. That is a measure that deserves to go to the Senate for its approval, unaffected by any danger of cutting off an appropriation. That is a matter that the President of the United States has the right to consider, when he comes to sign or refuse to sign the bill, unembarrassed by any consideration relating to an appropriation.

And that is not all. We are asked to consider under this rule in connection with the general appropriation bill from the Committee on the Post Office and Post Roads a provision which makes it incumbent upon the editors and managers and owners of every newspaper, periodical, and magazine in this country to spread upon their front pages the names of substantially all the parties connected therewith. That has not gone to any committee, has never been considered by any committee, and has never been urged, save by individual Members appearing before the Committee on Rules at a private hearing.

Now, without taking up the time of the House further, what I protest against is the inauguration of legislation by any such method as this. Why, this Chamber has rung, year in and year out, with denunciations of the Committee on Rules for compelling the House to consider measures arbitrarily at the instance of the Committee on Rules, fixing the method by which those measures should be considered; and yet in all the history of all the Congresses no Committee on Rules ever undertook to introduce and ask favor for a resolution of such a character as this. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired. The gentleman from Texas [Mr. HENRY] is recognized for 15 minutes.

Mr. HENRY of Texas. Mr. Speaker, I yield the balance of my time to the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Mr. Speaker, the distinguished gentleman from Illinois [Mr. MANN] charges the Committee on Rules and the House of Representatives with cowardice because of the presentation of this special rule. If I had to draw the indictment, it seems to me the charge would be different. I am not sure but that I would put it "foolhardy courage." No man on earth can justly say that the party or the committee which proposes to throw open to all amendments questions upon which the people of every congressional district in the United States are so much divided can justly be charged with cowardice or

unwillingness to face issues. [Applause on the Democratic side.]

The proposition upon which the greatest assault has been made in connection with this rule is the proposition to give Federal aid to the post roads of this country. The statement was made by a distinguished gentleman on this side of the Chamber that that proposition had not received consideration from any committee of this House. Upon authority of numbers of gentlemen who are members of the committee that did consider it, I wish to state to that gentleman, as well as to the House, that for weeks this matter received intelligent and careful consideration by the Committee on Agriculture, by whom it was reported with scarcely a dissenting vote, if any, on either side of the Chamber.

Not only that, but, gentlemen of the House, your Committee on Rules was confronted by a petition signed by 225 Members of this body asking that the House of Representatives be allowed to vote on this proposition in connection with the Post Office appropriation bill, to which it is germane.

Gentlemen may scout the idea that the Committee on Rules should pay any attention to the wishes of the majority of this House. Ah, they have scouted that idea in the past. I remember another occasion, not many years ago, when the control of this House was in different hands, when the Committee on Rules did deny to nine-tenths of its membership a proper and legitimate petition.

But the American people repudiated such leadership, and they sent us here to-day because they believed the Democratic Party at least would pay attention to what the majority of the Members want, and would give effect to what the majority of the people of this country demand. [Applause on the Democratic side.]

There are things in this rule that no gentleman will oppose. We propose to make in order, by this rule, provisions for better and safer cars for the railway mail clerks of the country. What gentleman will oppose it?

We propose to make in order—and it could not be in order but for the adoption of this rule—protection of civil-service employees from unjust discharge for political or personal reasons. What gentleman on either side of this Chamber will oppose it?

We propose to make in order an equitable and fair regrading of the railway mail clerks of this country. What Member, Democrat or Republican, dares oppose it?

We propose to prevent combination among bidders who are seeking to furnish the Post Office Department with supplies, so that the Government may be saved from extortion and robbery. What gentleman on either side of this House opposes it?

Mr. BARTLETT. If that be true, as doubtless it is, was a rule necessary in order to have these propositions put upon the bill?

Mr. HARDWICK. A point of order might be insisted upon, and my colleague knows full well that if insisted upon it would be good.

Mr. BARTLETT. I thoroughly agree with the gentleman that these propositions ought to go on the bill.

Mr. HARDWICK. Those propositions ought to stay in, and this rule was the only way in which we could secure absolute safety on each one of those propositions.

We have also proposed to open up to the widest extent the parcel-post question, so that the Representatives of the American people may voice their convictions upon this floor, and so that the majority of the people of America shall have what the majority of the elected Representatives of the people declare they desire. Is that cowardice? Is that dodging? Is that slunning the question? Is that avoiding the issue?

The gentleman criticizes us for sending in here, to be voted on in connection with this parcel-post question, what is called the parcel-express question. Yet no gentleman will deny that there can be no intelligent consideration of the parcel-post question as a whole unless the Goeke bill be considered and settled.

Gentlemen insist that this rule is drastic; that it goes too far. Gentlemen of the House of Representatives, my reply is that the rule does nothing except let the House consider and vote upon each one of these questions and do whatever each Member thinks is right with each one of these questions.

Now, gentlemen, we have heard a good deal to-day about the details of this rule. The gentleman from Illinois [Mr. MANN] asked why we did not include the proposition of my colleague [Mr. ADAMSON] to regulate express rates. We did not do that simply because it was not germane to the question as to whether we shall have a parcel-post system or not.

Mr. MANN. Will the gentleman yield?

Mr. HARDWICK. I will if my colleague will make it short.

Mr. MANN. It is germane to the question of taking possession of and purchasing the express companies.

Mr. HARDWICK. Not at all; because if we are to purchase them and operate them as a parcel-post system there will be no necessity whatever to regulate the rates they charge, because the Government will run the system and fix the rates by law.

Mr. MANN. No; but it is germane to have the right to vote on the alternative proposition, which you decline to give.

Mr. HARDWICK. We are to vote on the parcel post, and not on the regulation of express rates.

Now, what else? The gentleman from Illinois [Mr. MANN] raised the point that we ought to have considered the Underwood resolution, simply providing for a commission to investigate the good-roads question. My answer to him is twofold: First, we felt bound to report what is known as the Shackelford proposition, because 225 Members of this House insisted that it was their desire to have a vote upon that question, and no demand whatever was made on the committee to report, in connection with this bill, the Underwood proposition. We do not submit the Underwood proposition in connection with the Shackelford proposition, because if the House of Representatives is to adopt the Shackelford proposition at all, there is no need to have a commission at all, because we will go much further than that at the first step. If the proposition should be beaten, the Committee on Rules have already reported favorably the Underwood resolution, and we can get a separate vote on the Underwood proposition afterwards.

Now, gentleman, a great deal of objection is raised to this rule, because they say it involves legislation in connection with an appropriation bill.

Let me say now what I said when this Congress was first organized, that it is my deliberate judgment that in 1837, when a coalition of Whigs and Independents forced this House, the Democrats being in the minority, to pass this rule which provided against legislation in connection with appropriation bills, they absolutely destroyed to a large extent the power, importance, and influence of the House of Representatives in comparison with other branches of our Government. The power over the purse, the power to deny appropriations unless legislation is granted, has always been the great power of the commons in every parliamentary body on this earth.

It was the power that forced right and justice from the English kings. It was the power that in the Constituent Assembly that secured the liberty and rights of Frenchmen. And to-day, my friends, it is the one thing that is needed to restore the American House of Representatives to that power, that influence, that dignity, that importance to which it is so justly entitled and of which it has been deprived by its cowardly surrender of its rights in 1837 and failure to resume them since. [Applause.]

So far as the Democratic Party is concerned, we are willing to trust the people. So far as the Democratic Party is concerned, we believe that the Representatives who come fresh from the people every two years, who are accountable at frequent periods to the people who send them here, who have a practical recall constantly staring them in the face, can be trusted to protect the popular rights and to promote the interests of all the people. I believe that anything that enhances the power of the popular branch of Congress, anything which tends to increase its dignity and its importance, is a long step forward in the march of popular government.

So we present this rule, confident that the people of America will understand that so long as the Democratic Party is in control of this House, in this historic Chamber, the House of Representatives is going to assert itself; that we are going to legislate whenever the people demand it, and legislate in connection with appropriation bills; that the House in reclaiming to some extent its ancient prerogatives is taking a long step forward in the fight for popular government. [Applause.]

Mr. MANN. Mr. Speaker, I ask a division of the question on the substantive propositions.

Mr. HENRY of Texas. Mr. Speaker, I make the point of order that the gentleman's request is not in order.

Mr. MANN. Upon that I desire to be heard.

Mr. HENRY of Texas. And I desire also to be heard on it.

The SPEAKER. The Chair would like to inquire of the gentleman from Illinois exactly what his proposition is.

Mr. MANN. I demand a separate vote on various substantive propositions in the resolution. I refer to the printed report. I ask for a separate vote on the proposition on page 3, under the heading of section 8, providing for a rural parcel post, and under the same section, toward the top of page 4, providing for a commission; and also a separate vote on the three propositions, following the language at the bottom of page 4, one a condemnation of express companies, one the roads proposition, at

the top of page 7, and the other the Barnhart proposition, at the end of page 7.

As to the others I have no desire for a separate vote, as far as I am concerned.

Mr. HENRY of Texas. Mr. Speaker, the Chair understands that I make a point of order that the request is not in order.

The SPEAKER. The Chair so understood and the Chair will hear the gentlemen.

Mr. MANN. Mr. Speaker, paragraph 6 of Rule XVI reads as follows:

On the demand of any Member before the question is put, the question shall be divided if it includes propositions so distinct in substance that if one be taken away a substantive proposition shall remain.

And the question is whether after the previous question has been ordered on the report from the Committee on Rules, or a resolution providing that certain things shall be in order, the substantive propositions in that resolution shall be separated and voted upon separately.

The matter is not without precedents in the House. The Speaker will remember that at the first session of the Sixtieth Congress the Democratic side of the House, under the able leadership of Mr. WILLIAMS, of Mississippi, was conducting an open and avowed filibuster.

The Committee on Rules, on April 8, 1908, page 4505 of the RECORD, reported this rule as a privileged report, the report being made by the gentleman from Pennsylvania [Mr. DALZELL]:

Resolved, That on this day and on Thursday of this week the House shall take a recess at 5 o'clock p. m. until 11.30 a. m. of the next calendar day; that on Friday, April 10, at 11.30 a. m., the Speaker shall declare the House in Committee of the Whole House on the state of the Union for the consideration of H. R. 20471, the naval appropriation bill; that at 5 o'clock p. m. on Friday, April 10, the Chairman of the Committee of the Whole House on the state of the Union shall declare the committee in recess until 11.30 a. m. on Saturday, April 11; that at 5 o'clock p. m. Saturday, April 11, the Chairman of the Committee of the Whole House on the state of the Union shall declare the committee in recess until 11.30 o'clock a. m. on Monday, April 13.

That general debate on the naval appropriation bill shall close not later than at 5 o'clock p. m., Saturday, April 11; the time to be equally divided between the majority and minority and controlled by the chairman of the Naval Committee and by the senior member of the minority: *Provided*, That if general debate shall be concluded prior to 5 p. m. on Saturday the 11th, the Chairman of the Committee of the Whole shall at once declare the committee in recess until Monday, April 13, at 11.30 a. m.

On that report the gentleman from Pennsylvania demanded the previous question. The previous question was ordered. Twenty minutes' debate was had upon a side, precisely as has been the case in the present instance, with the exception that here the debate, by unanimous consent, has been a little longer, and the Speaker will notice that that entire resolution which I have just read related to the same general subject matter, namely, the meeting of the Committee of the Whole House on the state of the Union on the consideration of the naval appropriation bill. When debate had concluded under the twenty-minutes-a-side rule, the gentleman from New York [Mr. FITZGERALD], the most distinguished parliamentarian upon that side of the House, if not in the country, rose and said:

Mr. Speaker, I ask for a division of the resolution.

And he called attention to the rule which I have just read. He was asked by the Speaker to state the different substantive propositions, which he proceeded to do. The gentleman from Pennsylvania made this statement:

The resolution is nothing more nor less than a program of legislative proceeding, and it is absolutely impossible to make any distinction and take away a part of it.

But the Speaker, Mr. CANNON, who has at different times in the country, by different people, been accused of being a czar and of not giving the minority that fair treatment which they sometimes insisted they should have—and I think I have heard the gentleman from Texas make such remarks—said:

The Chair is prepared to rule. On a careful examination of this rule the Chair finds that there are five substantive propositions, and five only, so that if the gentleman demands a separate vote upon either or all of them a separate vote will be taken.

And a separate vote was taken.

Mr. HENRY of Texas. Mr. Speaker, the matter here is embraced in one substantive legislative proposition, and that is, Shall this resolution containing certain things, with one resolving clause, be adopted by the House? I freely concede that if there were several resolving clauses in the resolution, then the precedents are overwhelming that a division could be demanded upon each one of them. Let me call the attention of the Chair to this language in the notes to the Rules of the House of Representatives, at page 384 of the Digest, Sixty-second Congress, second session:

It is not in order to demand a division of a related subject, as, when a resolution to adopt a series of rules not made a part of the resolution was before the House, it was held not in order to demand a separate

rate vote on each rule. In voting on the engrossment or passage of a bill or joint resolution a separate vote on the various portions may not be demanded or on the preamble of a bill.

If the Chair will permit me, I desire now to call attention to this precedent, which is found in volume 5 of Hinds' Precedents, on page 599:

On December 2, 1901, the question was on agreeing to the following resolutions:

"Resolved, That the rules of the House of Representatives of the Fifty-sixth Congress be adopted as the rules of the House of Representatives of the Fifty-seventh Congress, with the following modifications:

"1. That the special orders adopted March 8 and March 14, 1900, providing a method for the consideration of pension bills, claim bills, and other private bills, shall be continued during the Fifty-seventh Congress.

"2. That the place of the Select Committee on the Twelfth Census in the rules of the Fifty-sixth Congress shall be filled in the rules of the Fifty-seventh Congress by a standing committee on the census, to consist of 13 members, and have jurisdiction of all proposed legislation concerning the census and the apportionment of Representatives.

"Resolved further, That there shall be appointed to serve during the Fifty-seventh Congress a select committee on industrial arts and exhibitions, to consist of nine members, which shall have jurisdiction of all matters (excepting those relating to the revenue and appropriations) referring to the centennial of the Louisiana purchase and to proposed exhibitions."

Mr. CLAUDE A. SWANSON, of Virginia, demanded a division of the question.

Mr. JOHN DALZELL, of Pennsylvania, urged that the first resolution with its modifications was not divisible.

The Speaker [Mr. David B. Henderson] said:

"The first branch of the resolution, as just recited by the gentleman from Pennsylvania, is not capable of division; the Chair so holds; but the Chair is of opinion that each resolve is a separate proposition, and a separate vote may be demanded upon it."

So, Mr. Speaker, in this proposed rule there is a single, simple proposition containing these matters with one resolving clause, that this resolution be adopted.

Therefore, if by a single resolution we could adopt the rules of the House, containing at that time 45 separate and distinct rules with a half dozen different modifications, and they were not subject to division upon the demand by a Member, for a much stronger reason there is nothing in this resolution that is susceptible of division. Now, let me go a little further. If there is anything in precedents, this one is directly in point. I quote from Hinds' Precedents, volume 5, page 600:

On a resolution for the adoption of a series of rules which were not presented as a part of the resolution, it was held not in order to demand a separate vote on each rule.

On December 2, 1901, at the time of the organization of the House, the question was on agreeing to the following resolution:

"Resolved, That the rules of the House of Representatives of the Fifty-sixth Congress be adopted as the rules of the Fifty-seventh Congress, and so forth.

Mr. CLAUDE A. SWANSON, of Virginia, said:

"The resolution contains the proposition that we adopt all the rules of the last House, and therefore each rule is made a part of it."

So he demanded a vote on each rule.

The Speaker said:

"The Chair is clearly of the opinion that such a demand can not be entertained."

So there is another precedent, Mr. Speaker, directly in point. But, aside from these precedents, let us apply the rule of common sense. When you bring in a simple resolution as this embracing a number of propositions it should not be subject to division, otherwise when you bring in a bill under any such circumstances, by the same parity of reasoning, the gentleman from Illinois might demand a division of every section and line and sentence of such bill. Here is a plain proposition that gentlemen can decide whether they will adopt this resolution embracing all of these things or not. This is one substantive legislative proposition, and that is whether this resolution shall be adopted or not, and it is submitted to the House for that purpose alone.

Mr. MANN. Mr. Speaker, the gentleman from Texas first claimed that a division of this question is not in order, because on the final passage of a bill or resolution a division is not in order. No one on this side, I think, is so simple-minded as to suppose that you can divide a bill into different parts on the final passage of the bill on a roll call. The gentleman then says that the proposition we now make is not applicable because it can only be applied when there are various resolving clauses in the resolution, and that if there were different resolving clauses in the resolution, then each of those resolving clauses would have a separate vote. First, Mr. Speaker, in the case which I have cited to you where the rule was made by Mr. Speaker CANNON there was but one resolving clause; and second, if the gentleman from Texas were familiar with the provisions of the Revised Statutes which are applicable to this subject he would know that a resolution which has more than one resolving clause was out of order, because the statutes adopted by this House and Senate jointly provided:

No enacting or resolving words shall be used in any section of any act or resolution of Congress except in the first.

The gentleman's proposition seems to be now that you can not have a separate vote upon anything unless in the preparation

of it you have violated the statutes. Now, Mr. Speaker, the case which the gentleman stated does not bear out his contention. In the resolution which was offered referred to by the gentleman there was a proposition to adopt the rules of the previous Congress as the rules of the Fifty-sixth Congress. Mr. Speaker Henderson then held that the different propositions in that resolution were separable, and that one could have a separate vote upon each proposition involved, but he held, and held properly, that a resolution to adopt the rules of a previous Congress by itself was not subject to be considered as containing different substantive propositions and did not authorize a separate vote upon each of the rules of the previous Congress. No one seriously ever claimed that a proposition in this Congress to adopt the rules of previous Congresses would authorize a separate vote upon each rule, but when there was coupled with that proposition another resolution expressly providing another rule, the Speaker held that they were subject to separation, because each was a substantive proposition. I hope and I believe that the present Speaker of this House will without question on this subject follow the ruling of Mr. Speaker CANNON, made in fairness at a time when the House was under great stress of feeling and excitement on the request of the gentleman from New York, at that time representing the Democratic side of the House, in his request. Then the Speaker divided into substantive propositions a resolution wholly relating to the question of meeting and adjournment. There is the resolution, the different parts of which have no relation whatever to each other. I contend that the House is entitled, in voting, to vote upon the separate propositions, and is not compelled to carry out any bargain which may have been made by the supporters of the different propositions, of "you tickle me and I will tickle you," all at one time. [Applause.]

Mr. HARDWICK. Mr. Speaker, I understood the gentleman from Illinois [Mr. MANN] to say in discussing this proposition that it never was seriously insisted that a proposition to adopt a set of rules as a whole did involve a number of substantive propositions. On the contrary, if I heard the gentleman from Texas [Mr. HENRY] read aright, that contention was seriously made in this body during both the Fifty-sixth and Fifty-seventh Congresses by the gentleman from Virginia, Mr. SWANSON.

Mr. MANN. I said no one now would seriously contend that.

Mr. HARDWICK. In the face of that ruling?

Mr. MANN. In the face of any ruling.

Mr. HENRY of Texas. And the gentleman from Pennsylvania [Mr. DALZELL] resisted that argument and took the position I have now taken.

Mr. HARDWICK. It is refinement of reason, too fine for any ordinary man to follow, for the gentleman to say, when a proposition is brought into this House to adopt a set of 41 rules, every one of which is different, that that proposition does not substantially and on its merits involve a number of separate and distinct propositions, just as there are a number of separate and distinct rules of the House of Representatives.

Mr. MANN. Will the gentleman yield?

Mr. HARDWICK. Certainly.

Mr. MANN. If a resolution were presented setting out each of the rules in 41 different places, does the gentleman doubt that would be subject to division?

Mr. HARDWICK. Not a bit in the world, nor do I doubt the other would.

Mr. MANN. How could you adopt a simple resolution to adopt a set of rules adopted by a previous Congress?

Mr. HARDWICK. If the gentleman will allow me to answer the question, I can answer it. It does not matter whether you put it in one form or another. We are seeking matters of substance in questions of this kind, and if the motion is to adopt 43 separate and distinct rules there are 43 separate and distinct propositions involved in them, I do not care how many resolving clauses there are in them.

Now, it seems to me if the House of Representatives can adopt 43 rules on the first day of Congress as one substantive proposition, certainly, if we apply the principles of common sense to this proposition and not get into technical refinements like the gentleman wants to do, we could adopt 4 rules on the second day of the session or to-day as one substantive proposition. For the merits of the question are not different because we are approaching the end of the Congress instead of being at its beginning. Has common sense been altered because we are on April 18 of this year instead of April 4 of last year? If we could adopt 43 rules at the one time as one substantive proposition, it seems to me it is a matter of common sense that we can to-day adopt 4 rules as one substantive proposition. The gentleman referred to the decision made by Mr. Speaker CANNON. I agree that this decision is authority for the view he presents, but it is the

only authority that he can lay his hand upon in all the realm of parliamentary law. It is without precedent and without parallel. Against that ruling we submit the ruling of Speaker Henderson on two separate occasions, of very much more importance than that to which the gentleman refers, when Democrats, standing on this side of the Chamber, were arguing exactly on the opposite side of the question. We say the precedents are two to one against the argument now urged by the gentleman from Illinois. And that was an order to adopt and fix a special rule coming from the Committee on Rules has special rights and privileges and is entirely different from what the situation would be if we were in the Committee of the Whole or in the House considering legislation. Common sense is on our side of this question; the precedents, by a majority of two to one, are on our side of the question; and we think the point of order made by the gentleman from Texas [Mr. HENRY] ought to be sustained.

Mr. MANN. In the case the gentleman cites did the Speaker, as a matter of fact, hold it was subject to division—the short decision by Speaker Henderson? The gentleman knows the resolution was never held by Speaker Henderson to be subject to a separate vote.

Mr. HARDWICK. No; I did not so understand it.

Mr. MANN. I thought the gentleman did not.

Mr. HARDWICK. Does the gentleman dispute the contention that Speaker Henderson twice held that a motion, no matter how it was framed, to adopt the rules of a preceding Congress, even if there were some 40 rules involved, was one question and indivisible? It does not matter at all, to my mind, whether there is one or two or three resolving clauses. It is a matter of substance, not a matter of technicality, that I am addressing my argument to.

Mr. MANN. If the gentleman will permit me—

Mr. HARDWICK. Yes—

Mr. MANN. This resolution was offered:

Resolved, That the rules of the House of Representatives of the Fifty-sixth Congress be adopted as the rules of the House of Representatives of the Fifty-seventh Congress.

Speaker Henderson held that that was not subject to division.

Mr. HARDWICK. That is exactly what I thought, and what I stated to the Speaker.

Mr. MANN. Speaker Henderson, however, held that a resolution to the same effect further on—

Resolved, That there be appointed, to serve during the Fifty-seventh Congress, a special Committee on Industrial Arts and Expositions—

And so forth, all offered at the same time, was subject to division or a separate vote.

Mr. HARDWICK. I can see the reason for that. It is a different question.

Mr. MANN. Speaker Henderson said, "What will you divide?"

Mr. HARDWICK. The substantive propositions?

Mr. MANN. There was only one substantive proposition.

Mr. HARDWICK. There is only one substantive proposition here, and that is to adopt this rule. [Applause.]

Mr. MANN. The gentleman himself knows that they have added or collected up a variety of different propositions from different committees, all substantive propositions.

Mr. LENROOT. Mr. Speaker, I desire to call to the attention of the Chair the phraseology of the rule. The rule begins with the declaration that certain legislation shall be in order, beginning with the resolving clause. If the Chair will turn, then, to the bottom of page 4, the Chair will see that a new and distinct proposition is then made, beginning with these words:

It shall also be in order, notwithstanding the general rules of the House, to consider in connection with said H. R. 21279—

That is, this bill—the following—

Repeating substantially the language that is contained in the first paragraph of the rule; and it makes two propositions quite as clear as if at the bottom of page 4 there had been another "resolved" put into the rule; and if the Chair has any question concerning the matter of the absence of the word "resolved" affecting the question, I call the attention of the Chair to volume 5 of Hinds' Precedents, where it was held that merely formal words, such as "resolved," may be supplied by interpretation of the Chair.

Now, Mr. Chairman, it does not seem that there can be any question but that if this rule, up to the bottom of page 4, be voted out there is a substantive proposition remaining, or if the balance of 1, 2, 3, or 4 be voted out there are still substantive propositions remaining.

The SPEAKER. There are not very many precedents on this subject, one way or the other.

The two precedents cited from Speaker Henderson are really parts and parcels of one precedent. A division was demanded in a resolution. His first decision was that there should be a separate vote taken on each resolve. When that was through with, somebody undertook to divide the first resolve, and he held that could not be done.

The most elaborate precedent in the lot, and the last one, is that on page 4509, CONGRESSIONAL RECORD, first session of the Sixtieth Congress. The gentleman from Pennsylvania [Mr. DALZELL] reported a rule from the Committee on Rules. The gentleman from New York [Mr. FITZGERALD] demanded a division, claiming that there were seven substantive propositions in the rule. The gentleman from Pennsylvania [Mr. DALZELL] took identically the same position then that the gentleman from Texas [Mr. HENRY] takes to-day, and the gentleman from New York [Mr. FITZGERALD] took precisely the same position then that the gentleman from Illinois [Mr. MANN] takes to-day. The gentleman from Illinois [Mr. MANN] was himself mixed up in that debate. He seems to have agreed with the gentleman from New York on the proposition that a division could be had, but he differed from the gentleman from New York as to how many substantive propositions there were involved.

Mr. Speaker CANNON, after listening to the debate, decided that the division could be had.

So it seems to the Chair that the precedents are in favor of the contention of the gentleman from Illinois [Mr. MANN] and against the point of order of the gentleman from Texas [Mr. HENRY].

In addition to that, it seems to the Chair that the reason of the thing is the same way. There are several substantive legislative propositions embraced in this rule that have no connection whatever with one another. A Member might, and most probably would, be in favor of some and against others. He has a right to vote his sentiments on each, which he can not do if they are bunched together. Therefore the point of order raised by the gentleman from Texas [Mr. HENRY] is overruled, and the Clerk will report the first proposition. [Applause.]

Mr. HARDWICK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARDWICK. How many separate questions are involved, according to the ruling of the Chair—three or four?

The SPEAKER. The Chair is not going to pass on that, because the Chair thinks it is unnecessary. The first proposition on which a separate vote is demanded is on page 3, section 8.

Mr. MANN. Including the first four lines on page 4.

The SPEAKER. Including the first four lines at the top of page 4, which the Clerk will report.

Mr. HENRY of Texas. Mr. Speaker, I ask unanimous consent that the reading of that part be dispensed with, as it has been read, and I think we all understand it. We can vote on it as the Speaker has designated it.

Mr. CARLIN. I object.

Mr. FITZGERALD. I desire to call attention to the fact that the vote should be taken on that portion down to section 8, on page 3, before the vote is taken on section 8.

The SPEAKER. The question is first on agreeing to that part of the resolution extending down to section 8, on page 3.

The question being taken, the designated portion of the resolution was agreed to.

The SPEAKER. The Clerk will report the first part, on which a separate vote is demanded. Does the gentleman from Texas [Mr. HENRY] ask unanimous consent to waive the reading?

Mr. HENRY of Texas. Mr. Speaker, I believe I will withdraw the request.

The SPEAKER. The gentleman withdraws the request. The Clerk will read.

The Clerk read as follows:

SEC. 8. That hereafter postage shall be paid on matter of the fourth class at the rate of 12 cents per pound, except as herein provided.

That no article, package, or parcel shall be mailable as matter of the fourth class which exceeds 11 pounds in weight, except as herein provided.

That on each and all rural mail-delivery routes of the United States the postmaster at the starting point of such route shall, until June 30, 1914, receive and deliver to the carrier or carriers of said routes all articles, parcels, or packages not prohibited to the mails by law and falling under the definition of fourth-class matter and not weighing in excess of 11 pounds for transportation and delivery on said routes only; and the carriers shall receive at intermediate points on all rural routes such mail matter of the fourth class for delivery on their respective routes only.

That postage shall be paid on all articles, parcels, or packages entitled to transportation under the provisions of this act as matter of the fourth class on rural-mail delivery routes only at the following rates: One cent for each 2 ounces or less, 2 cents for more than 2 ounces but not more than 4 ounces, 3 cents for more than 4 ounces but not more than 8 ounces, 4 cents for more than 8 ounces but not more than 12 ounces, 5 cents for more than 12 ounces but not more than a pound, and 2 cents per pound for each additional pound or fraction thereof up

to and including a total of 11 pounds. That the Postmaster General shall make all rules and regulations necessary and not inconsistent with law to the proper execution of this act.

Mr. MOORE of Pennsylvania. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. MOORE of Pennsylvania. Before this matter comes to a vote I desire to ask whether this is the proper time to offer an amendment.

Mr. HENRY of Texas. The gentleman can not move to amend it. The previous question has been ordered.

The SPEAKER. The previous question has been ordered. The question is on adopting that part of the resolution which has been read.

Mr. MANN. I ask for a division, Mr. Speaker.

The House divided; and there were—ayes 237, noes 0.

Accordingly the designated portion of the resolution was agreed to.

Mr. MANN. Mr. Speaker, I ask for a separate vote on the balance of what is called section 8, providing for a general parcel-post commission.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

That for the purpose of a full and complete inquiry and investigation into the feasibility and propriety of the establishment of a general parcel-post commission of six persons, three of whom shall be appointed by the Speaker of the House of Representatives and three by the President of the Senate, is constituted, with full power to appoint clerks, stenographers, and experts to assist them in this work. They shall review the testimony already taken on the subject of parcel post by Senate and House committees and take such other testimony as they deem desirable. For the purpose of defraying the expenses of this commission the sum of \$25,000 is hereby appropriated out of the moneys in the Treasury not otherwise appropriated.

The SPEAKER. The question is on agreeing to that part of section 8. Those in favor of adopting as a part of the resolution the paragraph just read will say "aye."

Mr. MANN. I ask for a division, Mr. Speaker.

The House divided; and there were—ayes 201, noes 6.

Accordingly the designated portion of the resolution was agreed to.

Mr. MANN. I have no objection to taking a vote upon what is designated as sections 9 to 12, inclusive, on page 4.

The SPEAKER. The question is on agreeing to that part of the resolution from 9 to 12, both inclusive.

The designated portion of the resolution was agreed to.

Mr. MANN. I ask for a separate vote on the express condemnation provision, which, unless some one else desires a further separate vote, would include from the word "first," at the bottom of page 4, down to the bottom of page 6.

Mr. HENRY of Texas. I ask unanimous consent that the reading be dispensed with.

The SPEAKER. That is not necessary. It has already been read, and the only way anyone can get it read again is to request it and then have unanimous consent for it.

Mr. HENRY of Texas. I understood the Speaker to direct the Clerk to read.

The SPEAKER. The Chair did, but that was by inadvertence.

Mr. HENRY of Texas. That was the reason I made the request.

The portion of the resolution referred to is as follows:

First. In connection with section 8 of the bill the following:
 "That in order to promote the postal service and more efficiently regulate commerce between the several States, the Territories of the United States, the District of Columbia, the possessions of the United States, and foreign nations the contracts and agreements and arrangements of the several express companies with the several railroad companies or other common carriers of the United States, its Territories, and the District of Columbia relating to the collecting, receiving, caring for, storing, dispatching, forwarding, and delivering by such railroad company or other common carriers of parcels, packets, and packages, and other express matter, as well as the franchises, operating equipment, cars, vehicles, horses, buildings, leases, as lessees, of buildings used in the conduct of the express business, and all other property or rights and privileges owned and used by such express companies as necessary and appropriate to such collecting, receiving, caring for, storing, dispatching, forwarding, and delivering of such parcels, packets, packages, and express matter, are hereby declared to be, and the same are hereby, condemned and appropriated to and for the United States of America, to be used by it for such public purposes as may be proper in its various functions. That the words "express company" as used in this act shall be construed to include any corporation, joint-stock company, association, partnership, and individual, as far as engaged in the collecting, receiving, caring for, storing, dispatching, forwarding, and delivering of parcels, packets, packages, and other express matter, by rail or water. And the words "railroad" or "railway company" shall be construed to include any transportation agency by rail or water as far as used as a post route or in carrying express matter. On and after July 1, 1913, any railroad, steamship, or other transportation agency having a contract with any express company subject to this act shall transport and carry for the Post Office Department all matter transportable under said contract, and shall execute and perform with respect to such Post Office Department all such duties as have been customary under such contract in relation to the express company or companies named therein, and shall permit its agents and employees when required to continue to discharge such services in respect thereto, and upon like terms, without interference on its part.

"DUTY OF PRESIDENT AND POSTMASTER GENERAL.

"Sec. 2. That it shall be the duty of the President on the 1st day of July, 1913, to take charge and possession of all the property of such express companies condemned and appropriated by this act, in the name of and by the authority of the United States of America; and thereupon it shall be the duty of the Postmaster General to employ said property and facilities in conjunction with the postal service, and to henceforth conduct said express service.

"POWERS OF POST OFFICE DEPARTMENT.

"Sec. 3. That it shall be the duty of the Postmaster General to make and promulgate such rules and regulations for carrying into effect the provisions of this act as he may deem necessary, not in conflict with the Constitution or laws of the United States: *Provided*, That all such rules and regulations shall be subject to review and revision by the Interstate Commerce Commission and the courts in like manner and with like effect as if said rules and regulations had been made and promulgated by a railway company or other common carrier.

"COMPENSATION FOR RAILROAD TRANSPORTATION.

"Sec. 4. That during the months of August and December, 1912, and April, 1913, the weights of matter carried over the respective railroads, under contracts with the express companies during the pendency thereof, shall be taken for each railroad company in respect to such contract, under regulations to be provided by the Post Office Department; and the amount of money paid for the carriage thereof to the railroad shall be divided by the mileage of such railroad over which such matter is carried; and thereafter the Postmaster General shall, if the railroad company consent thereto, cause to be paid to such railroad company the amount per mile owing to such railroad under such contract as thus computed; and thereafter annually at such times as may be determined upon by the Postmaster General such matter shall be weighed, and the railroad company shall be paid monthly for the excess weight carried by it, over the first weighing herein provided, such sums as may be agreed upon for such excess weight; but if such Postmaster General and such railroad company shall fail to agree upon a basis of compensation for such excess weights, then the same shall be paid for according to the terms and provisions of the contract condemned in such case.

"RENEWAL OF TRANSPORTATION CONTRACTS.

"Sec. 5. That at the expiration or termination of any contract between an express company and a railroad condemned by this act (or at any time before, if such railroad company shall consent thereto) the Postmaster General may contract with such railroad company for the transportation of postal express matter; and if deemed advantageous, upon cars provided by the postal department, which may be transferred without unloading onto the lines of other railroad companies, at such rates of compensation and upon such principles of computation thereof as may be agreed upon, with the right of review and revision of the same by the Interstate Commerce Commission as hereinafter provided. And in case the Postmaster General and such railroad company, after the expiration or termination of the contract with an express company, shall fail to agree upon the terms and provisions of the renewal thereof, they shall submit their respective contentions with reference thereto to the said Interstate Commerce Commission, which shall thereupon have plenary power to declare the terms and provisions which said contract shall contain; but from any determination with respect to any such contract the terms and provisions of which have been so declared by the said Interstate Commerce Commission an appeal shall lie to the Court of Commerce, which shall enjoy like power to amend and revise the same.

"APPRAISEMENT OF EXPRESS COMPANIES.

"Sec. 6. That immediately after the passage of this act it shall be the duty of the Interstate Commerce Commission to appraise the value of the property condemned and appropriated by the United States of America in section 1 of this act and award to the respective express companies just compensation therefor. Each commissioner shall take oath to justly perform such duties before some judge of the courts of the United States. The said Interstate Commerce Commission shall have power, and it shall be its duty, to summon witnesses, with books and papers, before it, for either of the parties, and require such witnesses to testify, and it shall give to each party a full hearing; and it shall be the duty of such commission, on or before the 7th day of May, 1913, to file a separate award of appraisement for each express company condemned under this act, with respect to the property condemned, and give notice of the filing of such award to the Postmaster General and to such express company. And if either party shall be dissatisfied with the amount of said award, the same may, upon appeal by either party, be reviewed and revised by the Court of Commerce, sitting as a court of review, with respect thereto; and from its determination a further appeal may be taken by either of the parties to the Supreme Court of the United States.

"PROVISIONS FOR COMPENSATION OF EXPRESS COMPANIES.

"Sec. 7. That the Secretary of the Treasury is hereby authorized and directed to make payment to such express companies of the money adjudged to be due them, as aforesaid, out of the Treasury of the United States, and said express companies shall be entitled to payment of such final award as compensation from the Treasury of the United States and the Treasurer thereof, and the amounts of said award are hereby appropriated to the parties entitled thereto out of the Treasury of the United States.

"DUTIES OF COMMON CARRIERS.

"Sec. 8. That any willful failure or refusal by any railroad company or other common carrier, subject to the provisions of this act, to perform any service required by this act or by any lawful rule or regulation made and promulgated by the Postmaster General in pursuance of this act, or of any lawful ruling, finding, or determination of the Interstate Commerce Commission, or of any order, judgment, or decree of any court of the United States of competent jurisdiction shall constitute a misdemeanor, which, upon indictment and conviction, shall be punished by a fine not exceeding \$1,000.

"POWERS OF POSTMASTER GENERAL.

"Sec. 9. That the Postmaster General shall have power to rent, lease, or purchase real estate and personal property, supplies, cars, and equipment for use by his department for the purposes of this act. He shall have power to condemn in the name of the United States any property, real, personal, or mixed, which he may deem necessary for the efficient operation of the service, but the said Interstate Commerce Commission shall first value and file its award therefor as hereinbefore specified."

The SPEAKER. Those in favor of adopting this part of the resolution, beginning with "first," near the bottom of page 4, down to the bottom of page 6, the express-company provision, will say aye, those opposed no.

Mr. HENRY of Texas. Division, Mr. Speaker. The House divided; and there were 104 ayes and 89 noes. Mr. MANN. Mr. Speaker, I demand the yeas and nays. Mr. LEWIS rose.

The SPEAKER. For what purpose does the gentleman rise? Mr. LEWIS. For the purpose of understanding the status of the motion. Is the House voting on the question as to whether the Goeke bill may be considered?

The SPEAKER. The House is voting on the question whether the designated part of the resolution concerning the express companies shall continue a part of it.

Mr. LEWIS. I wondered whether the House understood the proposition that it was voting upon.

The SPEAKER. The House is not adopting these propositions as a part of any law. It is simply voting as to whether certain things shall be made in order on the appropriation bill which otherwise would not be in order.

The yeas and nays were ordered. The question was taken; and there were—yeas 178, nays 99, answered "present" 8, not voting 106, as follows:

YEAS—178.

Adair, S. C. Aikin, N. Y. Alexander, Ala. Allen, Ind. Anderson, Ohio. Ansherry, N. Y. Anthony, N. Y. Ashbrook, N. Y. Austin, Tex. Barnhart, N. Y. Bathurck, N. Y. Boehne, N. Y. Booher, N. Y. Borland, N. Y. Bowman, N. Y. Broussard, N. Y. Brown, N. Y. Buchanan, N. Y. Bulkeley, N. Y. Burke, Wis. Byrnes, S. C. Byrnes, Tenn. Campbell, N. Y. Candier, N. Y. Cantrill, N. Y. Cary, N. Y. Cline, N. Y. Collier, N. Y. Conry, N. Y. Crago, N. Y. Cravens, N. Y. Cullop, N. Y. Curry, N. Y. Daugherty, N. Y. Davenport, N. Y. Davis, Minn. DeForest, N. Y. Denver, N. Y. Dickinson, N. Y. Diefenderfer, N. Y. Dixon, Ind. Dodds, N. Y. Donohoe, N. Y. Doremus, N. Y. Driscoll, D. A. Dupré, N. Y. Edwards, N. Y. Esch, N. Y. Evans, N. Y. Faison, N. Y. Farr, N. Y. Fergusson, N. Y. Ferris, N. Y. Focht, N. Y. Foster, N. Y. Fowler, N. Y. Francis, N. Y. French, N. Y. Fuller, N. Y. Gallagher, N. Y. Gardner, N. J. George, N. Y. Gray, N. Y. Hamilton, Mich. Hamlin, N. Y. Hammond, N. Y. Hardwick, N. Y. Hardy, N. Y. Harrison, Miss. Harrison, N. Y. Hartman, N. Y. Haugen, N. Y. Hayden, N. Y. Helm, N. Y. Henry, Tex. Higgins, N. Y. Howard, N. Y. Howland, N. Y. Hughes, Ga. Hughes, N. J. Hull, N. Y. Humphreys, Miss. Jacobway, N. Y. Johnson, Ky. Johnson, S. C. Kendall, N. Y. Kent, N. Y. Kindred, N. Y. Kinkaid, Nebr. Kinkead, N. J. Kitchin, N. Y. Knowland, N. Y. Konop, N. Y. Lafean, N. Y. Lafferty, N. Y. LaFollette, N. Y. Lee, Pa. Lever, N. Y. Lewis, N. Y. Lindbergh, N. Y. Linthicum, N. Y. Littlepage, N. Y. Lloyd, N. Y. Loud, N. Y. McGuire, Okla. McKellar, N. Y. McKenzie, N. Y. McKinney, N. Y. McLaughlin, N. Y. Maguire, Nebr. Maher, N. Y. Martin, Colo. Miller, N. Y. Morgan, N. Y. Morse, Wis. Mott, N. Y. Murdock, N. Y. Murray, N. Y. Neeley, N. Y. Nelson, N. Y. Norris, N. Y. Nye, N. Y. Oldfield, N. Y. O'Shaunessy, N. Y. Padgett, N. Y. Parran, N. Y. Patton, Pa. Pepper, N. Y. Peters, N. Y. Plumley, N. Y. Porter, N. Y. Powers, N. Y. Pray, N. Y. Prince, N. Y. Raker, N. Y. Rauch, N. Y. Rees, N. Y. Reilly, N. Y. Riordan, N. Y. Rubey, N. Y. Rucker, Mo. Russell, N. Y. Saunders, N. Y. Scully, N. Y. Shackelford, N. Y. Sherwood, N. Y. Sisson, N. Y. Sloan, N. Y. Small, N. Y. Smith, J. M. C. Smith, Saml. W. Smith, N. Y. Smith, Tex. Stedman, N. Y. Stearnson, N. Y. Stephens, Cal. Stephens, Miss. Stephens, Nebr. Stephens, Tex. Stone, N. Y. Targart, N. Y. Talcott, N. Y. Taylor, Colo. Tribble, N. Y. Underhill, N. Y. Volstead, N. Y. Warburton, N. Y. Watkins, N. Y. Webb, N. Y. Wedemeyer, N. Y. White, N. Y. Wickliffe, N. Y. Wilson, Pa. Witherspoon, N. Y. Young, Kans.

NAYS—99.

Anderson, Minn. Andrus, N. Y. Ayres, N. Y. Barchfeld, N. Y. Bartholdt, N. Y. Bartlett, N. Y. Beall, Tex. Bell, Ga. Blackmon, N. Y. Brantley, N. Y. Browning, N. Y. Burke, S. Dak. Burlinson, N. Y. Burnett, N. Y. Butler, N. Y. Calder, N. Y. Cannon, N. Y. Carlin, N. Y. Catlin, N. Y. Claypool, N. Y. Cooper, N. Y. Crumpacker, N. Y. Currier, N. Y. Dalzell, N. Y. Danforth, N. Y. Davis, W. Va. Dies, N. Y. Draper, N. Y. Dyer, N. Y. Ellerbe, N. Y. Finley, N. Y. Fitzgerald, N. Y. Flood, Va. Flood, Ark. Foss, N. Y. Garner, N. Y. Gillett, N. Y. Glass, N. Y. Godwin, N. C. Good, N. Y. Green, Iowa. Gregg, Pa. Gregg, Tex. Harris, N. Y. Hay, N. Y. Hayes, N. Y. Holland, N. Y. Hubbard, N. Y. Humphrey, Wash. Jones, N. Y. Kopp, N. Y. Korbly, N. Y. Langley, N. Y. Lee, Ga. Lenroot, N. Y. Littleton, N. Y. Longworth, N. Y. McKinley, N. Y. McMorran, N. Y. Macon, N. Y. Malby, N. Y. Mann, N. Y. Martin, S. Dak. Mondell, N. Y. Moore, Pa. Morrison, N. Y. Needham, N. Y. Palmer, N. Y. Payne, N. Y. Pickett, N. Y. Post, N. Y. Prouty, N. Y. Redfield, N. Y. Richardson, N. Y. Roberts, Mass. Roddenberry, N. Y. Rothermel, N. Y. Rouse, N. Y. Sharp, N. Y. Sherley, N. Y. Slayden, N. Y. Spear, N. Y. Sulloway, N. Y. Sulzer, N. Y. Sweet, N. Y. Thistlewood, N. Y. Towner, N. Y. Townsend, N. Y. Turnbull, N. Y. Tuttle, N. Y. Underwood, N. Y. Whitacre, N. Y. Wilder, N. Y. Willis, N. Y. Wilson, N. Y. Wood, N. J. Young, Mich. Young, Tex.

ANSWERED "PRESENT"—8.

Burgess, N. Y. Covington, N. Y. Davidson, N. Y. Gould, N. Y. Hobson, N. Y. McCreary, N. Y. Sims, N. Y. Stevens, Minn.

NOT VOTING—106.

Adamson, N. Y. Ainey, N. Y. Ames, N. Y. Bates, N. Y. Berger, N. Y. Bradley, N. Y. Burke, Pa. Callaway, N. Y. Carter, N. Y. Clark, Fla. Clayton, N. Y. Connell, N. Y. Copley, N. Y. Cox, Ind. Cox, Ohio. Curley, N. Y.

Dickson, Miss. Doughton, N. Y. Driscoll, M. E. Dwight, N. Y. Estopinal, N. Y. Fairchild, N. Y. Fields, N. Y. Fordney, N. Y. Fornes, N. Y. Gardner, Mass. Garrett, N. Y. Goeke, N. Y. Goldfogle, N. Y. Goodwin, Ark. Greene, Mass. Griest, N. Y. Gudger, N. Y. Guernsey, N. Y. Hamill, N. Y. Hamilton, W. Va. Hanna, N. Y. Hawley, N. Y. Heald, N. Y. Heflin, N. Y. Helgesen, N. Y. Henry, Conn. Hensley, N. Y. Hill, N. Y. Hinds, N. Y. Houston, N. Y. Howell, N. Y. Hughes, W. Va. Jackson, N. Y. James, N. Y. Kahn, N. Y. Kennedy, N. Y. Konig, N. Y. Lamb, N. Y. Langham, N. Y. Lawrence, N. Y. Legare, N. Y. Levy, N. Y. Lindsay, N. Y. Lobeck, N. Y. McCall, N. Y. McCoy, N. Y. McDermott, N. Y. McGillicuddy, N. Y. McHenry, N. Y. Madden, N. Y. Matthews, N. Y. Mays, N. Y. Moon, Pa. Moon, Tenn. Moore, Tex. Moss, Ind. Olmsted, N. Y. Page, N. Y. Patten, N. Y. Pujo, N. Y. Rainey, N. Y. Randell, Tex. Ransdell, La. Reyburn, N. Y. Roberts, Nev. Robinson, N. Y. Rodenberg, N. Y. Rucker, Colo. Sabath, N. Y. Sells, N. Y. Sheppard, N. Y. Simmons, N. Y. Slempp, N. Y. Smith, Cal. Sparkman, N. Y. Stack, N. Y. Stanley, N. Y. Sterling, N. Y. Switzer, N. Y. Talbott, Md. Taylor, Ala. Taylor, Ohio. Thayer, N. Y. Thomas, N. Y. Tilson, N. Y. Utter, N. Y. Vreeland, N. Y. Weeks, N. Y. Wilson, Ill. Woods, Iowa.

So the designated portion of the rule was agreed to. The following additional pairs were announced:

Until further notice: Mr. GOLDFOGLE with Mr. TILSON. Mr. McDERMOTT with Mr. WOODS of Iowa. Mr. GOODWIN of Arkansas with Mr. COPLEY. Mr. TALBOTT of Maryland with Mr. SIMMONS. Mr. CARTER with Mr. KAHN. Mr. PUJO with Mr. MICHAEL E. DRISCOLL. Mr. GARRETT with Mr. WILSON of Illinois. Mr. PAGE with Mr. OLMSTED. Mr. GOEKE with Mr. AINEY. Mr. LAMB with Mr. McCREARY. Mr. CLARK of Florida with Mr. LANGHAM. Mr. MOON of Tennessee with Mr. STERLING. Mr. THAYER with Mr. SLEMP.

On this vote: Mr. GRIEST (for) with Mr. McCOY (against).

The result of the vote was then announced, as above recorded. The SPEAKER. The next vote will be upon agreeing to the next substantive proposition contained on page 7 of the report, known as the good-roads proposition.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 151, noes 57.

So the proposition was agreed to. The SPEAKER. The next vote will be taken upon agreeing to the next substantive proposition to be found near the bottom of page 7 of the report, respecting the publication of the ownership of newspapers, popularly known as the Barnhart proposition.

Mr. HENRY of Texas. Mr. Speaker, on that I demand the yeas and nays.

Mr. MANN. Mr. Speaker, I join in that demand for the yeas and nays.

The yeas and nays were ordered. The question was taken; and there were—yeas 230, nays 34, answered "present" 5, not voting 122, as follows:

YEAS—230.

Adair, S. C. Aikin, N. Y. Alexander, Ala. Allen, Ind. Anderson, Minn. Anderson, Ohio. Ansherry, N. Y. Anthony, N. Y. Ashbrook, N. Y. Austin, Tex. Ayres, N. Y. Barchfeld, N. Y. Barnhart, N. Y. Bathrick, N. Y. Beall, Tex. Bell, Ga. Berger, N. Y. Blackmon, N. Y. Boehne, N. Y. Booher, N. Y. Borland, N. Y. Bowman, N. Y. Brown, N. Y. Browning, N. Y. Buchanan, N. Y. Bulkeley, N. Y. Burke, Wis. Burnett, N. Y. Butler, N. Y. Byrnes, S. C. Byrnes, Tenn. Campbell, N. Y. Candier, N. Y. Cantrill, N. Y. Carlin, N. Y. Cary, N. Y. Cline, N. Y. Collier, N. Y. Conry, N. Y. Cooper, N. Y. Covington, N. Y. Cravens, N. Y. Cullop, N. Y. Currier, N. Y. Curry, N. Y. Dalzell, N. Y. Danforth, N. Y. Daugherty, N. Y. Davenport, N. Y. Davis, Minn. Dent, N. Y. Denver, N. Y. Dickinson, N. Y. Dies, N. Y. Diefenderfer, N. Y. Dixon, Ind. Dodds, N. Y. Doremus, N. Y. Driscoll, D. A. Dupré, N. Y. Dyer, N. Y. Edwards, N. Y. Ellerbe, N. Y. Esch, N. Y. Faison, N. Y. Farr, N. Y. Fergusson, N. Y. Ferris, N. Y. Finley, N. Y. Flood, Va. Floyd, Ark. Focht, N. Y. Foss, N. Y. Foster, N. Y. Fowler, N. Y. Francis, N. Y. French, N. Y. Fuller, N. Y. Gallagher, N. Y. Garner, N. Y. George, N. Y. Godwin, N. C. Goodwin, Ark. Graham, N. Y. Gray, N. Y. Green, Iowa. Gregg, Pa. Hamlin, N. Y. Hammond, N. Y. Hardwick, N. Y. Lever, N. Y. Lindbergh, N. Y. Linthicum, N. Y. Littlepage, N. Y. Lloyd, N. Y. Loud, N. Y. McGuire, Okla. McKellar, N. Y. McKenzie, N. Y. McKinley, N. Y. McKinney, N. Y. McLaughlin, N. Y. Macon, N. Y. Maguire, Nebr. Maher, N. Y. Malby, N. Y. Martin, Colo. Martin, S. Dak. Moon, Tenn. Morgan, N. Y. Morrison, N. Y. Morse, Wis. Mott, N. Y. Murdock, N. Y. Murray, N. Y. Needham, N. Y. Neeley, N. Y. Nelson, N. Y. Norris, N. Y. Nye, N. Y.

Oldfield	Rauch	Sloan	Tribble
O'Shaunessy	Rees	Small	Turnbull
Padgett	Reilly	Smith, J. M. C.	Underhill
Page	Richardson	Smith, Saml. W.	Underwood
Palmer	Riordan	Smith, N. Y.	Volstead
Parran	Roberts, Mass.	Smith, Tex.	Warburton
Patton, Pa.	Roddenbery	Stedman	Watkins
Pepper	Rothermel	Steenerson	Webb
Peters	Rubey	Stephens, Cal.	Wedemeyer
Pickett	Rucker, Mo.	Stephens, Miss.	White
Plumley	Russell	Stephens, Nebr.	Wickliffe
Porter	Saunders	Stephens, Tex.	Willis
Post	Scully	Stone	Wilson, Pa.
Pou	Shackelford	Sulloway	Witherspoon
Powers	Sherley	Sulzer	Young, Kans.
Pray	Sherwood	Sweet	Young, Tex.
Prince	Sims	Taylor, Colo.	
Raker	Sisson	Towner	

NAYS—34.

Andrus	Donehee	Longworth	Speer
Bartlett	Draper	McMorran	Tilson
Brantley	Evans	Mann	Townsend
Burke, S. Dak.	Fitzgerald	Miller	Tuttle
Calder	Gardner, N. J.	Mondell	Wilder
Cannon	Gillett	Moore, Pa.	Wilson, N. Y.
Catlin	Good	Payne	Young, Mich.
Claypool	Harris	Redfield	
Crago	Hubbard	Rouse	

ANSWERED "PRESENT"—5.

Burgess	Hobson	McCreary	Stevens, Minn.
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NOT VOTING—122.

Adamson	Gardner, Mass.	Lamb	Rucker, Colo.
Ainey	Garrett	Langham	Sabath
Ames	Goeke	Lawrence	Sells
Bartholdt	Goldfogle	Legare	Sharp
Bates	Gould	Levy	Sheppard
Bradley	Greene, Mass.	Lewis	Simmons
Broussard	Gregg, Tex.	Lindsay	Slayden
Burke, Pa.	Griest	Littleton	Slemp
Burleson	Gudger	Lobeck	Smith, Cal.
Callaway	Guernsey	McCall	Sparkman
Carter	Hamill	McCoy	Stack
Clark, Fla.	Hamilton, Mich.	McDermott	Stanley
Clayton	Hamilton, W. Va.	McGillkenny	Sterling
Connell	Hanna	McHenry	Switzer
Copley	Hawley	Madden	Taggart
Cox, Ind.	Heald	Matthews	Talbot, Md.
Cox, Ohio	Hefflin	Mays	Talcott, N. Y.
Crumpacker	Helgesen	Moon, Pa.	Taylor, Ala.
Curlley	Henry, Conn.	Moore, Tex.	Taylor, Ohio
Davidson	Hensley	Moss, Ind.	Thayer
Davis, W. Va.	Hill	Olmsted	Thistlewood
De Forest	Hinds	Patten, N. Y.	Thomas
Dickson, Miss.	Houston	Prouty	Utter
Doughton	Howell	Pujo	Vreeland
Driscoll, M. E.	Hughes, W. Va.	Rainey	Weeks
Dwight	Jackson	Randell, Tex.	Whitacre
Estopinal	James	Ransdell, La.	Wilson, Ill.
Fairchild	Johnson, S. C.	Reyburn	Wood, N. J.
Fields	Kahn	Roberts, Nev.	Woods, Iowa
Fordney	Kennedy	Robinson	
Fornes	Konig	Rodenberg	

So the proposition was agreed to.
 The Clerk announced the following additional pairs:
 Until further notice:
 Mr. PUJO with Mr. BARTHOLDT.
 Mr. BURLESON with Mr. OLMSTED.
 Mr. GREGG of Texas with Mr. MICHAEL E. DRISCOLL.
 The result of the vote was announced as above recorded.
 The SPEAKER. The question now is on agreeing to the resolution.
 The question was taken, and the resolution was agreed to.

RETURN OF BILL TO THE SENATE.

The SPEAKER. The Clerk will report the following resolution from the Senate.
 The Clerk read as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 5333) to authorize the widening and extension of Spring Road NW., and for other purposes.
 Attest:

CHAS. G. BENNETT, *Secretary*,
 By H. M. ROSE, *Assistant Secretary*.

The SPEAKER. Without objection, it is so ordered.
 There was no objection.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted—
 To Mr. GARRETT, for 10 days, on account of official business.
 To Mr. DWIGHT, for 1 week, on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. WILSON of Illinois was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of J. K. Jamison (H. R. 26681, 61st Cong.), no adverse report having been made thereon.

DIVISION OF TIME FOR GENERAL DEBATE ON POST OFFICE BILL.

Mr. MOON of Tennessee. Mr. Speaker, I ask unanimous consent that the time provided under the rule just adopted for general debate upon the Post Office appropriation bill (H. R. 21279) be divided between Mr. WEEKS, the ranking member on the

Republican side—or Mr. GARDNER of New Jersey in the absence of Mr. WEEKS—and myself equally.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the time provided for in the rule just adopted for general debate on the Post Office appropriation bill be equally divided between himself on one hand and Mr. WEEKS on the other—

Mr. MANN. Mr. WEEKS is not here.

The SPEAKER (continuing). And in the absence of Mr. WEEKS Mr. GARDNER of New Jersey is to control the time on that side. Is there objection? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent for permission to revise and extend my remarks made on this rule.

Mr. LANGLEY. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the requests? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 39 minutes p. m.) the House adjourned to meet to-morrow, Friday, April 19, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, submitting estimate of appropriation for construction of storage vault, assay office building, New York (H. Doc. No. 705); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Key West Harbor, Fla. (H. Doc. No. 706); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WOOD of New Jersey, from the Committee on Pensions, to which was referred sundry bills, reported in lieu thereof the bill (H. R. 23515) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 568), which said bill and report were referred to the Private Calendar.

Mr. POU, from the Committee on Claims, to which was referred sundry bills, reported in lieu thereof the bill (H. R. 23451), with amendment, to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims for damages to and loss of private property, accompanied by a report (No. 569), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7567) granting a pension to Seymour McDonough; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23304) granting a pension to Michael Collins; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23298) granting an increase of pension to John A. Boutte; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23341) granting an increase of pension to Frank E. Conkling; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. McGUIRE of Oklahoma: A bill (H. R. 23516) permitting the taxing of Indian lands in Oklahoma for public improvements; to the Committee on Indian Affairs.

By Mr. CARY: A bill (H. R. 23517) to amend section 4488 of the Revised Statutes of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. ALEXANDER: Joint resolution (H. J. Res. 299) proposing an international maritime conference; to the Committee on Foreign Affairs.

By Mr. EVANS: Joint resolution (H. J. Res. 300) to create a joint commission to investigate the use of the air for the purpose of communication and report what regulation, if any, is advisable; to the Committee on Interstate and Foreign Commerce.

By Mr. THISTLEWOOD: Joint resolution (H. J. Res. 301) making appropriation for levees surrounding Cairo, Ill., and the drainage district adjacent thereto; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. WOOD of New Jersey: A bill (H. R. 23515) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; to the Committee of the Whole House.

By Mr. ADAIR: A bill (H. R. 23518) granting an increase of pension to Edwin S. Palmer; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Ohio: A bill (H. R. 23519) granting a pension to Sarah E. Duffield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23520) granting an increase of pension to George Munday; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23521) granting an increase of pension to Joseph C. Snider; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23522) granting an increase of pension to Leo Long; to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 23523) granting an increase of pension to John McKone; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 23524) granting an increase of pension to Samuel Keeran; to the Committee on Invalid Pensions.

By Mr. BATHRICK: A bill (H. R. 23525) granting an increase of pension to Minot Stebbins; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 23526) granting an increase of pension to Caroline M. Haing; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 23527) granting an increase of pension to Samuel W. Walker; to the Committee on Invalid Pensions.

By Mr. GODWIN of North Carolina: A bill (H. R. 23528) for the relief of Washington Miller; to the Committee on War Claims.

By Mr. HAMMOND: A bill (H. R. 23529) granting a pension to Phidella Osborn; to the Committee on Invalid Pensions.

By Mr. KINKEAD of New Jersey: A bill (H. R. 23530) granting an increase of pension to John Haurey; to the Committee on Invalid Pensions.

By Mr. LINDBERGH: A bill (H. R. 23531) granting an increase of pension to John Lindquist; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23532) granting an increase of pension to Francis Maddock; to the Committee on Invalid Pensions.

By Mr. MCCOY (by request): A bill (H. R. 23533) for the relief of Anastasios Argyros; to the Committee on Military Affairs.

By Mr. MCGUIRE of Oklahoma: A bill (H. R. 23534) for the relief of James M. Rice; to the Committee on Military Affairs.

Also, a bill (H. R. 23535) granting a pension to Isaac Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23536) granting an increase of pension to Franklin Spurgeon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23537) granting an increase of pension to William M. McKinley; to the Committee on Invalid Pensions.

By Mr. MCKINLEY: A bill (H. R. 23538) granting a pension to Raymond Tudor; to the Committee on Pensions.

By Mr. MALBY: A bill (H. R. 23539) granting a pension to Elizabeth Hogan; to the Committee on Pensions.

By Mr. NEEDHAM: A bill (H. R. 23540) granting an increase of pension to Sarah E. Merritt; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 23541) for the relief of J. W. Goodloe; to the Committee on Claims.

Also, a bill (H. R. 23542) for the relief of the heirs of Deaderick Pike, deceased; to the Committee on War Claims.

By Mr. O'SHAUNESSY: A bill (H. R. 23543) for the relief of Wilbur H. Lawrence, Edmond V. Lawrence, and Josephine L. Canfield; to the Committee on the District of Columbia.

Also, a bill (H. R. 23544) granting an increase of pension to Margaret Monroe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23545) granting a pension to Mary J. Mace; to the Committee on Pensions.

By Mr. PRINCE: A bill (H. R. 23546) for the relief of the heirs of Samuel G. Cabell, Joseph E. Montgomery, George E. Cook, C. Theodore Vennigerholz, and Thomas P. Leathers; to the Committee on War Claims.

By Mr. RUBEY: A bill (H. R. 23547) granting a pension to J. Frank Cornman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23548) granting a pension to Martha E. Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23549) granting an increase of pension to John Shilkett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23550) for the relief of the heirs of Elizabeth Gardener, deceased, widow of Matthew H. Gardener, deceased; to the Committee on War Claims.

By Mr. SISSON: A bill (H. R. 23551) granting a pension to Jesse M. Dobbs; to the Committee on Pensions.

By Mr. TAYLOR of Alabama: A bill (H. R. 23552) granting an increase of pension to James Powers; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of mayors of cities in the State of New York for legislation requiring passenger vessels to be fully equipped with lifeboats and rafts; to the Committee on the Merchant Marine and Fisheries.

By Mr. ANDERSON of Minnesota: Petition of M. G. Peters and 6 others, of Mantorville, Minn., against extension of parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of Hermann Roll and 2 other citizens, of Newark, Ohio, against the passage of interstate commerce liquor legislation; to the Committee on the Judiciary.

By Mr. BARTHOLDT: Petition of Rice-Stix Dry Goods Co., of St. Louis, Mo., in favor of continuing the Tariff Board; to the Committee on Ways and Means.

By Mr. BOWMAN: Petition of the agricultural department, Pennsylvania State College, for enactment of House bill 22871; to the Committee on Agriculture.

By Mr. BURKE of Wisconsin: Memorial of St. Joseph Society and the Deutschen Bueriger Verein, of Appleton, Wis., against the passage of all prohibition or interstate-commerce liquor laws; to the Committee on the Judiciary.

By Mr. FULLER: Petition of the Manufacturers and Merchants' League of Virginia, in opposition to the establishment of a parcel post until after the investigation and report by an impartial commission, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of Cigar Makers' Local Union, No. 191, of Morris, Ill., in favor of the passage of the Reilly bill (H. R. 17253) called the free-smoker bill; to the Committee on Ways and Means.

By Mr. HANNA: Petitions of citizens of Gettlinger, Haynes, and White Butte, N. Dak., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petitions of citizens of the State of North Dakota, for enactment of House bill 14, providing for a general parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Garrison and Mandan, N. Dak., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Wrightsonville, N. Dak., for investigation of an alleged combination existing between coal dealers; to the Committee on Rules.

By Mr. LA FOLLETTE: Petitions of residents of Beverly, Ellensburg, Bend, Smyrna, Lowgap, Spokane, Gray, Springdale, Valley, Clarkston, Acme, and Welcome, all in the State of Washington, urging passage of Sulzer parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petitions of members of the Improved Order of Red Men of Spokane and Colfax, Wash., urging the erection of an American Indian memorial and museum building in Washington City; to the Committee on Public Buildings and Grounds.

Also, petition of sundry citizens of Washington and Idaho, submitted by A. D. Cross, secretary Washington State Farmers'

Cooperative and Educational Union, urging passage of parcel post and law to prohibit gambling in farm products; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Lowgap, Molson, Havillan, Loomis, Tonaskey, Oroville, and Wanicut, all in the State of Washington, urging passage of Berger old-age pension bill; to the Committee on Pensions.

Also, petitions of merchants of Rosalia, Thornton, Mount Hope, and Malden, all in State of Washington, protesting against a parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. LINDSAY: Memorial of the directors of the port of Boston, concerning a proposed amendment to the interstate-commerce act; to the Committee on Interstate and Foreign Commerce.

By Mr. LOUD: Petition of C. F. Butford and 44 other residents of Alpena, Mich., opposing the passage of the Johnston Sunday bill (S. 237); to the Committee on the District of Columbia.

By Mr. MCCOY: Petition of the United Garment Workers of America, Local No. 23, of Chicago, Ill., favoring immediate action upon the Booher prison labor bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union of Westboro, Mass., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MOTT: Petition of Frontier City Division, No. 167, Order of Railway Conductors, of Oswego, N. Y., favoring passage of House bill 20487, known as the employers' liability and workman's compensation bill; to the Committee on the Judiciary.

Also, petition of the directors of the port of Boston, against a proposed amendment to section 5 of the interstate-commerce act contained in section 11 of the Panama Canal bill (H. R. 21969); to the Committee on Interstate and Foreign Commerce.

By Mr. NEEDHAM: Petition of the United Presbyterian Church of Castroville and the United Presbyterian Church of Prunedale, Monterey County, Cal., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, memorial of Geyserville (Cal.) Grange, No. 312, favoring passage of a parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. NYE: Memorial of Polish societies of Minneapolis, Minn., against provision in immigration bill known as the educational test; to the Committee on Immigration and Naturalization.

By Mr. REYBURN: Memorial of Pennsylvania State Council, National Civic Federation, urging that an invitation be extended the International Congress of Social Insurance to meet in the city of Washington; to the Committee on Foreign Affairs.

By Mr. SCULLY: Petition of A. E. Burnside Post No. 59, of the State of New Jersey, favoring passage of House bill 14070, for the relief of veterans whose hearing is defective; to the Committee on Invalid Pensions.

Also, petition of Ira B. Rice Lodge, No. 309, Brotherhood of Railroad Trainmen, favoring passage of Senate bill 5382 and House bill 20487, known as employers' liability and workman's compensation bill; to the Committee on the Judiciary.

By Mr. TALCOTT of New York: Memorial of the Chamber of Commerce of the State of New York, relative to operation of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of Colonel J. W. Vrooman Camp, No. 51, United Spanish War Veterans, favoring passage of Crago pension bill; to the Committee on Pensions.

By Mr. TAYLOR of Alabama: Papers to accompany bill granting an increase of pension to James Powers; to the Committee on Pensions.

Also, memorial of the Medical Society of Mobile County, Ala., for legislation to increase the efficiency of the Public Health and Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce.

By Mr. THISTLEWOOD: Petition of citizens of Sparta, Ill., for building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of citizens of Cairo, Ill., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Duquoin, Ill., for appointment of a commission to investigate parcel-post systems; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the twenty-fifth congressional district of Illinois, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. TUTTLE: Petition of John L. Reynolds Post, No. 66, of the State of New Jersey, favoring passage of House bill 14070, for the relief of veterans whose hearing is defective; to the Committee on Invalid Pensions.

SENATE.

FRIDAY, April 19, 1912.

The Senate met at 2 o'clock p. m.

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

O Lord our God, who committest unto us the swift and solemn charge of life, Thou hast made us to know how frail we are. In the midst of life we are indeed in death. And the sweet and joyous earth but mocks the hearts bowed down with grief unutterable and filled with sorrow too deep for tears. Our hearts are unspeakably pained for the homes made desolate and for those who on earth are to look in one another's faces no more. We breathe a sigh and a prayer for those who have been swallowed by the mighty deep. Take them, our Father, into Thy keeping, Thou who didst create us for Thyself ere ever the earth or the sea was. May their souls rest in peace. If it be Thy holy will, restore to health and strength, we pray Thee, those who have been saved from the watery grave, and give unto them strength for the dark days to come. For those who gave their lives that these might live, we render Thee solemn thanks. Them we do not forget; their memory shall live forever.

And now, O Lord, where is our hope but in Thee, who art the God of all comfort? Though our flesh and our heart faileth, yet be Thou, O God, our strength and our portion forever. And unto Thee, who art able to do exceeding abundantly above all that we ask or think; unto Thee, who art our God and our Father, be glory on earth and in heaven now and forever more. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of the Woman's Missionary Society of Southern Utah; of the First Baptist Church of Montgomery, Ala.; of the Latter Day Saints' Relief Society of Ephraim, Utah; of the Woman's Christian Temperance Union of Clio, Ala.; of the Fifth Southern Methodist Episcopal Church, of Montgomery, Ala.; of members of the Salvation Army, of Montgomery, Ala.; of the Woman's Christian Temperance Union of Mobile, Ala.; of the Methodist Episcopal Church of Spencer, Mass.; and of the Woman's Christian Temperance Union of Spencer, Mass., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a memorial of the East Washington Citizens' Association, of the District of Columbia, remonstrating against any increase being made in the salaries of officials of the District government receiving \$2,000 and over, which was ordered to lie on the table.

He also presented a petition of the Common Council of Nome, Alaska, praying for the adoption of an amendment to the incorporation act for the District of Alaska, providing for a more expeditious and economical method for the collection of taxes, which was referred to the Committee on Territories.

Mr. BROWN. I present for reference a petition in the nature of resolutions signed by a large number of citizens of Nebraska, members of the medical profession, remonstrating against the passage of Senate bill 1, known as the Owen medical bill, providing for a national bureau of health. I ask that the body of the petition be printed in the Record, omitting the signatures.

There being no objection, the body of the petition was ordered to be printed in the Record, omitting the signatures, as follows:

Hon. NORRIS BROWN,
Washington, D. C.

DEAR SIR: We, the undersigned citizens of Nebraska, practitioners and believers in various systems of healing, including allopathic, homeopathic, osteopathic, chiropractic, Christian Science, etc., wish to enter our protest against the passage of Senate file 1, known as the Owen bill, providing for a national bureau of health.

We consider that the older school of healing has shown, by its record of attempted legislation for more than 20 years, a desire to secure more power for its own special benefit, without advancing any reasons to show that the general public would profit thereby; they favor the Owen bill because it is in line with the legislation they have tried to secure.

We are opposed to the use of Government authority, funds, and other facilities in the interests of any particular school of healing, believing that any system which has merit can establish the same without the aid of Government authority. We claim the right to exercise our individual opinions in the selection of practitioners or systems of healing for our own use.

We believe that a national bureau of health means class legislation and is designed to deny to individuals the rights and liberties for which the citizens of these United States have contended from the beginning. Free government is measured by the liberty enjoyed by individuals, so long as those liberties do not encroach upon the rights of others, and any measures which might ever be enlarged upon or so